

(A. 1001)

C A S E S
O F
D I V O R C E
F O R
Several Causes;
V I Z.

- I. MEMOIRS of the LIFE of Robert Feilding, Esq; containing an Account of his Amours; A Collection of his Love-Letters; Characters of his Mistresses; and a True Copy of his Last Will and Testament.
- II. The CASE of Barbara, late Dutches of Cleaveland, with the whole Proceedings between Her GRACE, and Major General FEILDING, in Doctors-Commons; and Sir John Cooke's Definitive Sentence at Large in this Remarkable TRYAL.
- III. The CASE of JOHN DORMER, Esq;
- IV. The CASE of Sir GEORGE DOWNING, Bart. and Mrs. MARY FORESTER.
- V. DEPOSITIONS taken in the Lady Howard's CASE: Also the Judgment of the most Eminent Divines, &c. Concerning The Dissolution of Marriage.

Publish'd from Original Manuscripts.

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P R E F A C E.

THE Publication of Books of this Nature, has all along in the Republic of Learning, been looked upon as a laudable Design; neither have such Authors brought the least Reproach upon themselves, nor has it any ways Incapacitated them for the Enjoyment of all the Honours and Privileges belonging to their State; nor prevented the Preferments they might hope for from their Fortune.

A Man would be hissed, that should censure for their Writings, Horace, Ovid, and Catullus, among the Ancients; or Boccace,
A 2 Voiture,

P R E F A C E.

*Voiture, and Fontaine, among the Moderns; whose uncommon Wit, and delicate Turn of Thought, have justly placed them in the foremost Rank of the Belles Lettres: Quillet's Callipædia *, was so far from withdrawing the Favours of Cardinal Mazarine, that he took the first Opportunity of rewarding his Merit, for the great Pleasure he found in reading that Incomparable Poem; of which Mr. Rowe, &c. has given us an Excellent Translation.*

In Tryals of all Kinds, whether under an Ecclesiastical, or Civil Jurisdiction, nothing more is attempted, than a faithful Relation of Facts; and where Public

** Callipædia: Or, the Art of getting Beautiful Children.*

Testimonies,

P R E F A C E.

Testimonies, and the Judgments of Physicians, are required, not a Word is said, that explicitly, or implicitly, contains the Approbation of Impurity; but on the contrary, in many Cases, creates an Abhorrence for it, and frequently has a good Effect upon Persons of loose Morals.

The Writer, the Statuary, and the Painter, are wholly Innocent; 'tis the Reader, and the Beholder only, that are Guilty; who through a depraved Appetite, provoke those vicious Inclinations, which it was Their Design to repel.

The Censurers of these Performances are generally our Reforming Zealots; who, as Dr. South observes, instead of esteeming God-
linefs

P R E F A C E.

liness to be great Gain, *make* a great Gain of Godliness : *And concludes this Eminent Divine,* Religion would appear more Amiable, and have a much greater Influence over the Mind, if such Societies (God Bless 'em) would cease to intermeddle in Affairs that no ways concern them, and chuse rather to allure Men to the pursuit of Virtue, by the Prevalency of their own shining Example.

C O N

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ROBERT FEILDING Esq.

L. G. & Co. del. & sculp.



SOME
MEMOIRS
OF THE
LIFE
OF
Robert Feilding, Esq;

THE following Account of the
Affair between *Robert Feild-
ing, Esq;* and *Barbara* late
Dutcheſs of *Cleveland*, being now to
viſit the World in its full Extent, it was
thought that ſuch Memoirs as we could
procure of the Life and Character of
this Celebrated Gentleman, as they
would render the Narration more com-
(a) pleat

ij *Memoirs of the Life of*

pleat, would likewise be very acceptable to the Reader.

It is true that *Plutarch*, and the other Biographers of Antiquity, have generally chosen to write the Lives of Persons eminent in the active Part of Mankind, either as Legislators, or Warriors; yet *Diogenes Laertius* has given us the History of the Speculative Part, in his Lives of the Philosophers.

The Subject of the present Narration I cannot place in the number of the Lawgivers or great Captains, nor among the Philosophers; yet it must be allow'd that his Life had such a mixture of Action, as may justly exempt him from the supine and slothful Class of Men, who live and die without doing or saying any thing memorable, or worthy conveying to Posterity. Our Heroe was not only a nominal Soldier, and distinguish'd by a Military Garb and Title; but if what *Ovid* says may be allow'd, he was very eminently so; for

Militat

Robert Feilding, Esq; iij

*Militat omnis Amans & habet sua Castra
Cupido.*

*Love is a Warfare, and Cupid has his
Camp.*

His whole Life consisted of successive Conquerings of this Nature; so that Major-General Feilding was undoubtedly one of the Leaders of *Cupid*, if not of *Mars*.

He was born in the County of *Warwick*, where he once had a pretty fair Estate, and was a Branch of the Family of the Feildings Earls of *Denbigh*, paternally descended from the Counts of *Hapsburgh*, Count Palatines of *Germany*.

The Character of our Heroe takes from a celebrated Pen * in the following Terms. " His Descent was Noble, " his Wit Humorous, his Person Charming. But to none of these commendatory Advantages was his Title

* See the Tatler, Number 50.

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“ so undoubted, as that of his Beauty.
“ His Complexion was fair, but his
“ Countenance manly, his Stature of
“ the tallest, his Shape the most exact;
“ and tho’ in all his Limbs, he had a
“ Proportion as delicate as we see in the
“ Works of the most skilful Statuaries;
“ his Body had a Strength and Firmness
“ little inferior to the Marble of which
“ such Images are form’d. This made
“ him the universal Flame of all the
“ Fair Sex; innocent Virgins sigh’d
“ for him as *Adonis*, experienc’d Wi-
“ dows as *Hercules*. Thus did this
“ Figure walk alone the Pattern and
“ Ornament of our Species, but
“ course the Envy of all those that ha-
“ the same Passions, without his Su-
“ rior Merit, and Pretences to the
“ vour of that enchanting Creature
“ *man*. However, our Generous Hero
“ believ’d himself form’d for the World
“ and not to be engross’d by any par-
“ ticular Affection. He Sigh’d not
“ *Delia*, for *Chloris*, for *Chloe*, for *Pe-*
“ nor my Lady, nor for the ready Cha-
“ bermaid, or distant Baronefs.

Robert Feilding, *Esq*; v

“ *man* was his Mistress, and the whole
“ Sex his *Seraglio*. His Form was
“ always irresistible; and if we consider,
“ that not one of five hundred can bear
“ the least Favour from a Lady with-
“ out being exalted above himself; if
“ also we must allow that a Smile from
“ a Side box has made some half Mad,
“ we can’t think it wonderful that our
“ Hero’s repeated Conquests touch’d
“ his Brain. So they certainly did,
“ and he became an Enthusiast in Love,
“ and in all his Address contracted
“ something out of the ordinary Course
“ of Breeding and Civility. However,
“ (powerful as he was) he would still
“ add to the Advantages of his Person,
“ that of a Profession, which the La-
“ dies always favour, and immediately
“ commenc’d Soldier.

The real Occasion and Manner of
which I shall soon give you, having
first premis’d an Account of some of his
Actions which went before this Altera-
tion of his Stile and Title.

This was his Birth, and this his Cha-
racter; and as he set out in the World

with these Advantages of Person, so was he far from being destitute of those of Fortune; which had been sufficient for the keeping up of the Port of a Gentleman of Figure much longer, had his Expences been under any tolerable Regulation; and yet they were contain'd principally in the two Articles of *Equipage* and *Treats*, which he found or thought necessary to finish his Charms in the pursuit of the *Fair*; for I cannot find the least Record of his having any Inclination for the destructive and unaccountable Pleasure of Gaming; that being the Child of *Avarice*, a Vice the Temper of our Heroe abhorr'd. He was equally averse to the squandring his Health and his Vigour in the midnight and tumultuous Enjoyments of the Bottle; that being justly esteem'd too injurious to a Satisfaction he was peculiarly form'd for, that of *Love*.

As for his Childhood, I do not find any thing so remarkable as to challenge our Notice: Not but he had many Omens of future Greatness in the Kingdom of *Love*; and we may suppose that
lambent

Robert Feilding, Esq; vii

lambent Flames play'd round his beautiful Face, as well as round that of *Iulus*, that Favourite Grandson of *Venus*. He was certainly his Nurse's, as well as Mother's, Darling; and it is credibly reported, that those reverend Matrons, being overcome with their Fears for the future Safety of their blooming Hopes, and credulous of the reigning Superstitions of the Times, often wrapt him in that upper Garment, which they say gives Success to the fortunate Lovers. For they desir'd rather to consecrate his coming Beauties and Vigour to *Venus*, than *Mars*, as the less dangerous to their Pupil and Son.

Nor can I find from all the Information that I can procure, that our Hero's Education was ever Masculine; or that he wasted his Time among the musty Authors of Antiquity, or gave into the laborious Exercises of the Brain, to improve his *Wisdom, Knowledge, or Understanding*. The Improvement indeed of those, had been to have disappointed the Aim of all their Wishes; his Success with the *Fair*; who seldom or never

(a 4) chuse

viii *Memoirs of the Life of*

chuse by the Beauties of the Mind, but those of the Body.

However, our Heroe did not want the Means nor Methods of Education, which Men of Dignity and Estates generally meet with, an Indulgence in the Teacher for all truant Dispositions; it being only the Duty of the Indigent to profit by their Time spent at School.

Whatever Progress our Heroe made in those Obsolete Languages of *Greek*, or *Latin*, it is certain he was a proficient in that of *French*, which was enough to shew his Breeding as a *Fine Gentleman*, and fit for the Assemblies of the *Great*, and the *Fair*.

Thus qualify'd, at the first Approaches to Manhood, his Genius led him to this Famous *Metropolis*, as the Principal, if not only Field of his Glory; for there was the Concourse of the *Beau Monde*, a Court that made the highest Gallantry, and the greatest Liberties between the Sexes, the Mode and Fashion of the Times.

He

Robert Feilding, *Esq*; ix

He had not been here long before he attracted the Eyes of all Beholders, especially those of the Ladies ; who, as the first publick Mark of their Favour, bestow'd on him the Title of *Handsome*; from which Time he was always distinguish'd by the Name of *Handsome Feilding* ; which some out of Envy afterwards endeavour'd to divert from the Merits of his Person, to that of his Dress, by calling him *Beau Feilding*.

Coming thus qualify'd, he was not long without several Intrigues; for Constancy was what he never profess'd, or had any Notion of: He pass'd like an Inundation over the Sex; Maids sacrific'd their earliest Embraces to him; Wives their Honour, and Matrimonial Vows; Widows their Gravity and Matronhood, without Regard to Fame or Reputation. His Success was so great, and Victories so rapid, that he was scarce put to the Trouble to ask, nor had any Leisure to seek Adventures; they were offer'd so frequently, and in such Numbers, that a Compliance with

x *Memoirs of the Life of*

every one would have been the Work of a *Hercules* indeed. It is impossible for me to give you a List of his Mistresses, much less an Account of the Adventures of his several Amours with them.

Lucretia, a Lady, who had for many Years resisted the Pleasures of Love, in a Court where it was a Scandal to be without an Intrigue, no sooner saw him, but could find him making the Offer of a *Tarquin*, which she could not resist, tho' she was to undergo the same Fate with the *Roman Lady* of her Name. But she found that younger Beauties (tho' she was not above Six and Twenty) took too much of his Time up, to hope for an Address from him; so that to gratify the Violence of her Desires, she was forc'd to seek his Embraces, who ought to have sought hers in vain. Our Heroe was too generous to let a Lady die for him, especially, when she made so valuable a Sacrifice as that of so fair a Reputation of a long boasted Virtue; he soon complies,

Robert Feilding, *Esq*; xj

plies, and the Lady has her Wishes. But the first Hurry of the Raptures; and the unjust Pleasure of an adulterous Bed being over, Remorse shook the unfortunate *Lucretia* so sensibly; that she pin'd her self into a Consumption; and so did her Husband Justice, without putting him to the Expence and Trouble of a Divorce.

Sophronia was a celebrated Toast; and pursu'd by all the gay Part of the Court and Town, and had not yet suffer'd her self to be taken, so swiftly she ran from the Joys she was made for and desir'd; but yet the *Coquet* had such an Ascendant over her Inclinations; that she thought it more Satisfaction to keep many in Pain, than to make any *one* Happy. But no sooner had she cast her Eyes on *Handsome Feilding*, but all her Coquetry vanish'd, and all the Advances she made to him were so civil, that she soon fell into his Arms, tho' not yet Seventeen Years of Age.

Zelinda

xij *Memoirs of the Life of*

Zelinda was charming, young, cunning, mercenary ; that is, tho' she lov'd the Pleasure of an Amour much, yet Avarice was her predominant Passion ; she found she had Charms enough to engage the Hearts of the young Fellows, and she was resolv'd to make them pay her Price ; believing that the Joys of Love would not be the less Pleasing, for coming like those of *Danae*, in a Shower of Gold. Yet *Feilding* inspir'd other Thoughts, and gave such a Force to Desire, that it surmounted all Thoughts of gaining any Thing by him, but the Joys of his Embraces.

Tho' Pride be look'd on by the learned in the Female Constitution, as the best Guard of a Woman's Honour ; yet this haughty *Demon* vanish'd as soon as our Heroe appear'd ; for *Sempronia*, the proudest of her Sex, soon cast off all her Haughty Airs, and assum'd an humble Deportment to fall into the long'd for Arms of the Enchanting *Handsome Feilding*.

Nothing

Robert Feilding, *Esq*; xiiij

Nothing makes a Passion stronger, and more difficult to be overcome, than a temperate Use of the Enjoyments of Love ; for this Reason the Affections of Men and Women of a dissolute Life, are for the most part very weak ; and therefore I look on our Hero's Conquest over the abandon'd *Flora*, as the greatest his Beauties obtain'd.

Flora was a Woman of Quality, and great Fortune, had a more than common Share of Beauty ; was tall ; well-shap'd ; a sprightly, yet wanton Eye ; her Hair of a delicate Brown ; her Mein agreeable ; her Conversation gay ; but her Inclinations lewd to the last Degree of Prostitution. She wanton'd with Men of all Sizes, and all Colours, and Constitutions, who contributed their several Talents towards the making up that Vanity which she most delighted in. Her Experience had led her through all Degrees from the Lord Duke to the Brawny Carman. And in all her Extravagance, she never had known what a *Belle* Passion was ; for
the

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the perpetual Gratification of every Emotion of Lust, had dépriv'd her of the Pleasure of being Particular; and without Particularity there can be no fine Passion, no elegant and strong Désires, no Hopes, Fears, Joys, alternately alarming the Heart, and filling the Mind with strong Ideas of Raptures unknown, and the greater for that very Reason.

This was what her Fate had destin'd she should owe to so extraordinary a Cause as our Heroe. She saw him, and liked him; but found that her Character was too well known, and her undistinguish'd Bounty of her Favours, had to him taken away all their Value. He was a Person too Happy in Success with those who yielded to him alone, to think any one worth his while, who condescended to admit every one to her Embraces. She try'd him, and suffer'd Repulse upon Repulse: This began to affect her with a Passion she had hitherto been a Stranger to; and that made her begin to throw off her Complaisance for the Many, and adorn'd her

her with a Reservedness more worthy her Beauty, and her Youth, and her Quality. But this very Reformation every Day gave new Force to her Love, and rais'd her Desires to a degree of Madness.

This remarkable Alteration of her Conduct was soon taken Notice of, as its Cause was soon discover'd to the Town; nor was it long conceal'd from *Handsome Feilding*; and urg'd as the greatest Proof of his Excellence, which so elated his Vanity, that in the End *Flora* found the Benefit of all her Sufferings in his Arms.

He soon grew weary of the Mistress possess'd, having always fresh Victims offer'd him every Day; and the Fire of her Love expiring in Enjoyment, she return'd to her Looseness, and he to the Pursuit of some other Fair One.

Thus we have seen, That neither the common natural Virtues nor Vices have been any Security to the Ladies, against the Power of the Symetry of our beautiful Heroe.

But

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But these being merely Humane, without the Help of Grace and Religion, it may be thought that there were some yet who escap'd him, by the Help of those. It is certain, that where perfect Piety and Religion has got Possession of a Soul, it is not to be remov'd by the frail Object of Mortality, tho' never so charming; but alas! we can judge of no Body's Piety by any Thing but the Appearance. When we find a Lady, or a Gentleman, constantly performing all the Acts of Religious Duties, we generally conclude that such a Person is truly Pious.

Angelina was constantly at Church whenever it was open; Sloath never made her slip the earliest, nor any Diversion or Business the latest Prayers that were perform'd in the Parochial Church, or any Chapel, that was more frequent in those Offices. Her Closet had a share of her Devotions; as if all her Life were made for Prayer and Contemplation, and that she design'd to put in Practice the Precept of *Praying always*.

In

Robert Feilding, *Esq*; - xvij

In her Study or Oratory, tho' stor'd with numerous Books, you could not find any Thing profane; there was neither Novel, Romance, Play, nor so much as true History, that did not treat of the Actions of Christ, or his Apostles, or some of the most celebrated Fathers of the Church, Ancient or Modern. These took up all her Time, these seem'd her only Pleasure. Tho' she had a large Share of Beauty, which drew many to Church, when Religion could not draw them; tho' she was Young, as not exceeding Twenty; tho' she had every Charm that could engage, and by Consequence feed her Vanity in the Adoration paid her; yet seem'd she insensible of all these Advantages, and touch'd with nothing that had any Relation to the Things of this Life.

It is no wonder that these uncommon Perfections stirr'd up the Envy and Obloquy of her own Sex, and the Revenge of the other, who found all their Vows neglected, and all their Merits slighted. Some loaded her with the Scandal of Hypocrisy, others with that
of

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of Affectation and Singularity, and every one was more ready to allow her Vices than Virtues the Cause of so extraordinary an Appearance.

Envy and *Revenge* are not the most quiet Passions that infest the Mind of Man or Woman, and therefore it is no Wonder that they should stir up the Endeavours of some, to destroy a Character they could not themselves attain; and since they found no Inclination to raise themselves up to her Height, they chose to strive to bring her down to their Level.

Among those whom her *Religion* had made her Enemy, *Placidia* was the most Cunning and most Active; to her inventive Head was this fair Structure to owe its Ruin. *Placidia* found, That all who had endeavour'd to turn *Angelinas's* Affection from *Heaven* to *Man*, had prov'd too weak for the Gratification of her Wishes; but our Hero's Form being then at the Height, she fancy'd, that if he had made the Assault, no Female Fortification was sufficient to withstand his Prowess. But then.

Robert Feilding, *Esq*; xix

then she was at a Loss how to compass her Ends. *Angelina* receiv'd no Male Visitants, and very few of her own Sex; and *Handsome Feilding* very rarely troubled the Church, the only Place where this Lady car'd to come at. But *Placidia* rightly believ'd, that the Hopes of so singular a Conquest would do more with our Heroe in drawing him thither, than all the lazy Harangues of the Parsons, whose Simplicity he had so often declar'd against.

She took her opportunity, gave *Angelina's* Beauty such a Praise, and her Character such an Encomium, that he was all on Fire till he began so uncommon an Adventure.

In short, dress'd in his most agreeable Habit, and putting on all his engaging Airs, he plac'd himself where she might have a full and fair View of him. He no sooner was fix'd in his Pew, but the Eyes of all the Ladies were cast on him, and a Murmur ran through the Church, that *Handsome Feilding* was there; never was any one so charming said one; 'tis impossible to look at him (cry'd another)

another) with indifference. These Murmurs about her, first alarm'd the Curiosity of *Angelina*, the first Step to the Ruin of all the Sex, as well as of their Mother *Eve*; and first call'd down her Soul from Heavenly Contemplations, to view the forbidden Fruit that was so lively and engaging to the Eye, that she dwelt too long upon it to retreat without any Concern. This made her repent the stol'n Sight so often, that her Devotion began to cool, and her Heart to burn with a less Holy Fire, than that of the Altar.

Not to dwell too long on this unfortunate Lady, *Angelina* saw and was overcome; our Heroe renew'd his Assaults with his Dress and his Ogle, till he found a Return; which he took care to improve, till this Lady's Religion fell a Sacrifice to his Beauty, as the common Vertues of others had done.

The Witty, the Gay, the Grave, the Melancholy, and all the other various Humours and Tempers of the Sex, yielded to his Fortune or Merit. The Dull were not stupid enough to be insensible

sensible of his Power, nor the Witty gay enough to escape his Snares.

Thus liv'd our Heroe, and Triumph'd for many Years, meeting with few Disasters, and fewer Obstacles in his Amours. The Royal Mistresses were not exempt from his Jurisdiction; particularly a Lady, who, among other Conquests, boasted that of the Heart of the King's Brother, *James Duke of York*. My Lady *Sou--que* was a celebrated Toast, and one on whom that Duke for some time had bestowed his Favours; but that could not confine her to his Arms so securely, but that she gave way to a Passion for our Heroe; and that with so little a guard, that it was known to the King, and most, if not all of the Court, as will be plain from the following Account.

King *Charles* often laid by the Monarch and his Majesty, to enjoy a free Conversation with several Gentlemen whom he allow'd that Honour, and Ladies, whose Company could be no Check to the freedom of the Bottle.

Among

Among these one Night was the Lady *Sou—que*, and the Dutcheſs of *P—th*; the Company being ſet, and having paſt ſome merry Hours, *Harry Killegrew* came in and took his place at the Board; but the King forbid him drinking ſo much as one Glaſs till he had made his Jeſt. The Glaſs went about, and no Jeſt aroſe, nor occaſion of one, till at laſt ſeizing the Glaſs, he cry'd, now I have it, my Lady *Sou—que's* ——— is a *Nutcracker*. Where is the Jeſt of that, reply'd the Monarch (who lov'd a bawdy Jeſt as well as any of his Subjects) why return d *Harry, Feild—ing's* ——— is a *Filbert*. This was allow'd by the Company as Sterling, the Laugh and the Bottle went round, for every one knew of our Hero's Intrigue with that Lady.

I ſhall ſay no more as yet of our Hero's looſe Amours; Years came on, and Frugality having been a Virtue he knew as little of as of Chaſtity, his Expences had ſo far impair'd his Eſtate, that he began to think of repairing the Breaches of it by Marriage.

His

Robert Feilding, *Esq*; xxiii

His Addresses when Criminal were too powerful to let us think that he could want Success when Honour attended them. The Countess of *Purbeck* had a large Fortune, was of a Noble and Ancient Family in *Ireland*, and had added to it by a former Marriage too; all which, with her self, she bestowed upon Mr. *Feilding*.

Our Heroe now Marry'd to a *Roman-Catholick* Lady, was, by some Arts or other made a Convert to that Church, which opens her Arms to the most enormous Sinners, and is proud of Converts, tho' never so indifferent. And the Satisfaction was the greater, because our Heroe had on an Occasion formerly shewn some Zeal against that Party.

This noble Lady and our Heroe liv'd in a very quiet Matrimonial State for some Years; and the Heat of his Amorous Pursuits being over, he at last thought of War, at least of a Campagne on *Hounslow Heath*.

King *James* being now raising an Army, gave our Heroe a Commission
of

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of Collonel, and he rais'd his Regiment in the County of his Nativity, *Warwickshire*. Our Heroe being now a zealous *Romanist*, could not think of staying in this Heretical Country, which had oblig'd his King and Master to take a Trip to *France*, but soon follow'd King *James* to *Paris*, carrying with him in Bills and Money about 4000*l*. So that he was not like most who went after that Prince, a mere Dependant on his precarious Fortune in a Foreign Land; but with that and such Remittances as his Lady afterwards made while she liv'd, made an independent and considerable Figure, in a Retinue not very well furnish'd with Abilities to out-shine him.

Memoirs for this Part of his Life being very scarce, I am oblig'd to have Recourse to the celebrated Author, from whom I have already borrow'd his Character.

“ Thus equipp'd for Love and Honour (*says my Author*) our Heroe
“ seeks distant Climes and Adventures,
“ and

Robert Feilding, *Esq*; xxv

“ and leaves the despairing Nymphs of
“ *Great Britain*, to the Courtship of
“ Beaus and Witlings, till his Return.
“ His Exploits in Foreign Nations and
“ Courts, have not been regularly
“ enough communicated unto us, to re-
“ port them with that Veracity which
“ we profess in our Narration. But
“ after many Feats of Arms (which
“ those who were Witnesses to them,
“ have suppress’d out of Envy; but
“ which we have had faithfully related
“ from his own Mouth in our publick
“ Streets) he returns home full, but
“ not loaded with Years. Beaus born
“ in his Absence made it their Business
“ to decry his Furniture, his Dress, his
“ Manner: But all such Rivalry he
“ suppress’d (as the Philosopher did the
“ Sceptic, who argu’d there was no
“ such thing as Motion) by only
“ moving. The Beauteous *Barbara*
“ Dutchess of *Cleaveland*, who only was
“ form’d for his Paramour, became the
“ Object of his Affections. His first
“ Speech to her was as follows.

(b)

MADAM,

xxvj *Memoirs of the Life of*

MADAM,

It is not only, that Nature has made us Two the most accomplish'd of each Sex, and pointed to us to obey her Dictates in becoming One; but that there is also an Ambition in following the mighty Persons you have favour'd. Where Kings and Heroes, as great as Alexander, or such as could personate Alexander, have bow'd, permit your General to lay his Laurels.

*According to Milton;
The Fair with conscious Majesty approv'd
His pleaded Reason.—*

*“ Fortune having now supply'd our
“ Heroe with Necessaries for his high
“ Taste of Gallantry and Pleasure; his
“ Equipage and Oeconomy had some-
“ thing in them more Sumptuous and
“ Gallant, than could be receiv'd in
“ our degenerate Age. Therefore his
“ Figure (tho' highly graceful) appear'd
“ so exotic, that it assembled all the
“ Britons under the Age of Sixteen,
“ who saw his Grandeur, to follow his
“ Chariot*

Robert Feilding, *Esq*; xxvij

“ Chariot with Shouts and Acclamati-
“ ons; which he regarded with the
“ Contempt which great Minds affect
“ in the midst of Applauses. I remem-
“ ber I had the Honour to see him one
“ Day stop, and call the Youths about
“ him, to whom he spake as fol-
“ lows.

*Good Bastards——Go to School, and
don't lose your Time in following my
Wheels: I am loth to hurt you, because
I know not but you are all my own Off-
spring: Hark'ee, you Sirrah with the
white Hair, I am sure you are mine:
there's Half a Crown. Tell your Mother,
This, with the Half Crown I gave her
when I got you, comes to five Shillings.
Thou hast cost me all that, and yet thou
art good for nothing. Why, you young
Dogs, did you never see a Man before?
Never such a one as you, Noble General,
reply'd a Truant from Westminster. Sir-
rah, I believe thee: there is a Crown
for thee. Drive on Coachman.*

“ This Vehicle tho' sacred to Love,
“ was not adorn'd with Doves. Such
“ an Hieroglyphick denoted too lan-
(b 2) “ guishing

xxviii *Memoirs of the Life of*

“ guishing a Passion ; our Heroe there-
“ fore gave the Eagle, as being of a
“ Constitution which inclin’d him ra-
“ ther to seize his Prey with Talons,
“ than pine for it with Murmurs.

This Author is too valuable to lose
any thing he advances on any Subject ;
I shall therefore give you the Sequel of
this Affair as he relates it.

“ Fortune being now propitious (pur-
“ sues he) to the gay *Feilding*, he
“ dress’d, he spoke, he mov’d as a
“ Man might be suppos’d to do, in a
“ Nation of Pigmies ; and had an equal
“ Value for our Approbation or Dislike.
“ It is usual for those who profess a
“ Contempt of the World, to fly from
“ it, and live in Obscurity. But our
“ Heroe with a greater Magnanimity,
“ contemn’d it, and appear’d in it to
“ tell ’em so. If therefore his exalted
“ Mien met with an unwelcome Recep-
“ tion ; he was sure always to dou-
“ ble the Cause which gave the Di-
“ staste. You see our Beauties affect a
“ Negligence in the Ornament of their
“ Hair, and adjusting their Head-dresses,

" as conscious that they adorn whatever
 " they wear. Our Heroe had not only
 " this Humour in common with other
 " Beauties, but also had a Neglect whe-
 " ther things became him or not. For
 " this Reason a noble Particularity ap-
 " pear'd in all his Oeconomy, Furniture
 " and Equipage. And to convince the
 " present little Race how unequal all
 " their Measures were to an *Anti-*
 " *diluvian* (as he call'd himself) in
 " respect of the Insects, which now ap-
 " pear for Men, he sometimes rode in
 " an open Tumbril of less size than or-
 " dinary, to shew the Largeness of
 " his Limbs, and the Grandeur of his
 " Personage, to the greater Advantage.
 " At other Seasons all his Appointments
 " had a Magnificence, as if it were
 " form'd by the Genius of *Trimalchio*
 " of old, which shew'd it self in doing
 " ordinary things with an Air of Pomp
 " and Grandeur. Our Heroe therefore
 " call'd for Tea by Beat of Drum; his
 " Valet got ready to Shave him by a
 " Trumpet to Horse; and Water was
 " brought for his Teeth, when the
 " Sound

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“ Sound was chang’d to Boots and
“ Saddle.

“ In these glorious Excesses from the
“ common Practice, did the happy He-
“ roe live and reign in an uninterrupted
“ Tranquility, till an unlucky Accident
“ brought to his Remembrance, that
“ one Evening he was Marry’d, before
“ he courted the Nuptials of the beau-
“ tiful *Barbara*; several fatal Memoranda
“ were produc’d to revive the
“ Memory of this Accident; and the
“ unhappy Lover was for ever banish’d
“ her Presence, to whom he ow’d the
“ Support of his just Renown and Gal-
“ lantry. But Distress does not debase
“ noble Minds; it only changes the
“ Scene, and gives them new Glory by
“ that Alteration. Our Heroe therefore
“ now raves in a Garret, and calls to
“ his Neighbour Skies to pity his Do-
“ lours, and find Redress for an unhappy
“ Lover.

Tho’ much of what we have taken
from this Author, may seem to have a
Ludicrous Air, yet under that Pleasan-
try the Truth of Facts and Character
are

are fairly represented. But as for the Conclusion, of his venting his Dolors in a Garret, there is not the least of Fact in that, his Fortune never having thrown him so low, as to be oblig'd to mount so very high in his Abode.

The Truth of the Story is, that he had been trick'd into a Marriage with a Woman of a very inferior Character, in hopes of gaining a very considerable Fortune; for Mrs. *Villars* put on him one Mrs. *Wadsworth* for Madam *Deleau*; the real Lady of that Name being worth above 40000 *l*. The manner how it was transacted will appear from the following Abstract of the Evidence given in at his Tryal at the *Old Baily*. But by the way we must observe, that the Resentment of the Dutchess carry'd her so far, as not to suffer her to be satisfy'd with the Divorce and Nullity of her Marriage with him, by the Judgment and Decision of the *Commons*, which the Reader will find in the following Sheets, but she had the Major-General Arraign'd at the *Old Baily* it self for

(b 4)

Felony,

xxxij *Memoirs of the Life of*

Felony, in marrying my Lady Dutcheſs, his former Wife being ſtill living.

One Thing I confeſs I cannot comprehend the Reaſon of, which is, That he ſhould Marry the Dutcheſs, even before he had diſcover'd, that his Wife was not the real Mrs. *Deleau*. At the Tryal at the *Old-Baily*, 1706, Mr. *Raymond*, and Sir *James Montague*, were the QUEEN's Council, and the latter open'd the Caſe to the Court, as follows, *viz.* " About a Year ago, there
" was a young Lady left a Widow by
" Mr. *Deleau*, and reputed a great Fortune: Mr. *Feilding* thinking himſelf
" qualified for the Greateſt, had a Deſign upon this Lady; and in *Auguſt*,
" 1705, he applied himſelf to one
" Mrs. *Streights* to contrive ſome Method how he might have Acceſs to
" this Widow. Mrs. *Streights* had no
" Acquaintance with her, but knew
" Mrs. *Villars*, had uſed to cut her
" Hair: ſo they thought the beſt Expedient, was to make Mrs. *Villars*
" their Friend, that by her Interſt he
" might have Admittance to Mrs. *Deleau*;

Robert Feilding, *Esq*; xxxiiij

“ *lean* ; not questioning, but if once
“ she had a Sight of his *very Hand-*
“ *some Person*, she would have the
“ same Affection for him, that he had
“ met with from other Ladies, upon a
“ like Interview. Mrs. *Villars* was
“ promis’d 500*l.* to bring this Affair
“ about ; and tho’ she doubted with
“ her self, whether she could ever ac-
“ complish it, yet by these Means she
“ might perhaps make a Penny of it to
“ her self ; and thereupon she Promi-
“ ses Mrs. *Streights* to use her Endea-
“ vour to serve the Major General, tho’
“ she could not be sure such an Over-
“ ture would be well received by
“ Mrs. *Deleau* : But being acquainted
“ with one *Mary Wadsworth*, who was
“ somewhat like the Widow, she ima-
“ gin’d it would be no difficult Matter
“ to set up Mrs. *Wadsworth* to represent
“ Mrs. *Deleau* ; and accordingly it was
“ done, and Mr. *Feilding* prov’d so in-
“ tent upon the Matter, That he went
“ to *Doctors-Commons* to examine Mr.
“ *Deleau*’s Will ; and finding the Wi-
“ dow left very considerable, for his

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“ farther Information and Satisfaction,
“ he took a Copy of it, and soon after
“ went to Mrs. *Villars*, and told her,
“ That what Mrs. *Streights* had said
“ concerning Mrs. *Deleau*’s Fortune
“ was true ; and that he was resolv’d
“ to get a View of her. Shortly, after
“ Mr. *Feilding* went to *Tunbridge*, and
“ after Two or Three Days stay there,
“ return’d and called at *Waddon*, where
“ Mrs. *Deleau* resided, with a Pretence
“ to see the House and Gardens, but
“ in reality it was to see the Widow ;
“ but it happen’d, that the Lady would
“ not be seen her self, but her Servants
“ were permitted to show him the Gar-
“ dens, and he fancied that he had a
“ Sight of Mrs. *Deleau* too ; for a
“ Kinswoman of hers looking out of
“ Window into the Garden, he pre-
“ sently concluded it could be no Body
“ but Mrs. *Deleau* admiring Beau *Feil-*
“ *ding*. About Three Days after Mr.
“ *Feilding*’s return from *Tunbridge*, he
“ told Mrs. *Villars* of his calling at
“ *Waddon*, and that he had acquainted
“ the

Robert Feilding, Esq; xxxv.

“ the Dutchess of *Cleveland* of the
“ fine Gardens that were there, which
“ her Grace express'd a great Desire of
“ Seeing, and therefore he order'd
“ Mrs. *Villars* to go in her Grace's
“ Name to Mrs. *Deleau*, to ask the Fa-
“ vour of permitting her Grace to see
“ the House and Gardens. Accord-
“ ingly Mrs. *Villars* went down to *Wad-*
“ *don*; and Mrs. *Deleau* treated her
“ very civilly, and told her, whenever
“ her Grace pleas'd, she should see her
“ House and Gardens; but as she was
“ a Widow, she could not attend upon
“ her Grace. But tho' the Dutchess
“ was expected after this, she did not
“ go, for indeed she did not know any
“ Thing of the Message. So the next
“ time Mr. *Feilding* attempted to see
“ her, was at a Horse-Race at *Ban-*
“ *stead-Downs*, but was again disap-
“ pointed. After this, he sent a Let-
“ ter to Mrs. *Deleau*'s House, but the
“ Servants when they saw the Name
“ to it, knowing the Character of Mr.
“ *Feilding*, threw it into the Fire.

“ When

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“ When Mrs. *Villars* found that the
“ Dutchess of *Cleveland* knew nothing
“ of her being sent to *Waddon*, and
“ that it was only a Contrivance of
“ Mr. *Feilding*’s to get an Opportunity
“ of seeing Mrs. *Deleau*, whom he had
“ never yet seen, she resolv’d to play
“ Trick for Trick with him, and there-
“ upon propos’d the Matter to *Mary*
“ *Wadsworth*, whom Mr. *Feilding* did
“ not know, and one that could not
“ worst her self much by such an Un-
“ dertaking, whether it succeeded or
“ not. Mrs. *Wadsworth*, upon the
“ first opening it, readily embrac’d the
“ Offer, and thereupon Mrs. *Villars*
“ went to Mr. *Feilding* and told him,
“ she had propos’d the Matter to Mrs.
“ *Deleau*, which she at first rejected,
“ but at last did give a favourable Ear
“ to it; and that she did not fear, but
“ if Matters could be prudently ma-
“ nag’d, his Desires might be accom-
“ plish’d.——A little before my Lord-
“ Mayor’s-Day, in the Year 1705, she
“ told Mr. *Feilding*, that she had at
“ length obtain’d of the Lady a Pro-
“ mise

Robert Feilding, *Esq*; xxxvij

“mise of an Interview, and that he”
“was shortly to bring her to his Lodg-”
“ings; but he must take care not to”
“let her know they were his Lodgings,”
“or to give her the least Cause to sus-”
“pect he had any Thing to do there :”
“accordingly Mrs. *Villars*, the Even-”
“ing of my Lord-Mayor’s-Day,”
“brought Mrs. *Wadsworth* in a Mourn-”
“ing Coach, and Widow’s Dress, to”
“Mr. *Feilding*’s Lodgings: He was”
“not within at the Time they came”
“thither, but being sent for; came in”
“soon after, and was extremely com-”
“plaisant for some Time; but at length,”
“tho’ he had been caution’d not to”
“let the Lady know they were his”
“Lodgings, yet he could not forbear”
“shewing her his fine Cloaths, and”
“what Furniture he had; he sent for”
“*Margaretta* to sing to her; and pre-”
“tended he was extremely taken with”
“her; that nothing would satisfy him”
“but being Married that Night; but”
“she with a seeming Modesty, check’d”
“his forward Behaviour, and made a”
“shew of going away in Displeasure ;”
“but

xxxviii *Memoirs of the Life of*

“ but before they parted, he prevail’d
“ upon her to Promise not to put off
“ their Marriage longer than the *Wed-*
“ *nesday* Seven-Night following.

“ Mr. *Feilding* concluding from his
“ Conversation with the Lady, that he
“ was now sure of her, bespoke a
“ Wedding Ring, and order’d the Posey
“ himself of, *TIBI SOLI*. The ap-
“ pointed Day being come, to make
“ him the more eager, and shun Suspi-
“ tion by too much Forwardness, the
“ Lady put it off again ’till the
“ *Friday* after, the 9th of *November*,
“ 1705. Mrs. *Villars*, and the Lady
“ return on that Day to his Lodgings,
“ where he receiv’d them with extraor-
“ dinary Transports of Joy, and press’d
“ the immediate Celebration of the
“ Nuptials ; but the Lady still putting
“ him off, and making as if she would
“ be gone, which Mr. *Feilding* would
“ not suffer ; but locking them into the
“ Apartment, took Coach, and drove
“ directly to Count *Gallas*’s, the Em-
“ peror’s Envoy, in *Leicester-Fields*,
“ and returned with one Don *Francisco*

“ *Drian*

Robert Feilding, *Esq*; xxxix

“ *Drian*, a Popish Priest, and Chaplain
“ to his Excellency, who was call'd the
“ Father in Red; when they were
“ come back, Holy Water, and other
“ Necessaries being made, after Mrs.
“ *Wadsworth* was satisfy'd in her Scruples, whether he were in Orders, or
“ not, the Marriage Rites were perform'd in the Bed Chamber, and after
“ Supper, the Bride is put to Bed by Mrs.
“ *Villars*, and the Bridegroom went
“ in to her. Mrs. *Villars* lay there that
“ Night, and the next Morning both
“ the Ladies retir'd. This was repeated two or three Times both before
“ and after Mr. *Feilding*'s being marry'd to the Dutcheſs of *Cleaveland*.

All this being made out by Mrs. *Villars*, and other Witnesses, as will appear in the Libel :

The ſeveral Matters of the Evidence being ſummed up by the Judge, and the Jury withdrawing for ſome Time, on their return they brought in their Verdict, That Mr. *Feilding* was Guilty of the Felony he ſtood indicted for.

Mr.

xlxxx *Memoirs of the Life of*

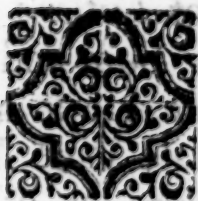
Mr. Feilding (in Case he was found Guilty) had obtain'd the QUEEN's Warrant to suspend Execution of the Sentence; and then by his Council took Exception to the Indictment, and mov'd in Arrest of Judgment; but they were answer'd by the Council for the QUEEN. But Mr. Feilding having obtain'd a Suspension of the Execution, the Judges by a *cur' advisare vult* (as the Form is) suspended giving Judgment till the next Sessions, and accepted Bail of Mr. Feilding, then and there to appear.

From this Time the Affairs of our Heroe declin'd from Bad to Worse, till at last his Creditors were pleas'd to bring their Actions upon him, against which his only Refuge remain'd of putting himself into the *Fleet*; where the Scene chang'd from Gallantry to Drunkenery, which soon brought him to his End, tho' not before he had reach'd to a pretty great Old Age.

Some-

Robert Feilding, *Esq*; xli

Sometime before his Death he was entirely reconcil'd to his Wife, (*Mary Wadsworth*) and died in her Care, leaving her his whole and sole Executrix; as appears by the following True Copy of his last Will and Testament.



E. Re-

xlij *The Last Will and Testament*

E Registrario Curie Prerogative Cant' Extract.

THIS is the last Will and Testament of Me *Robert Feilding*, of *Feilding-Hall* in the County of *Warwick*, Esq;. Whereas I have by Indenture, dated the One and Twentieth Day of this Instant *April*, assigned and transferred unto *Henry Eyres* of *Grays-Inn* in the County of *Middlesex*, Esq; and *John Cotton* of *Cutler's-Hall*, *London*, Gent. all such Sum and Sums of Money as is, or are due to me as Administrator to my late Wife *Margaret*, Viscountess *Purbecke*, or otherwise from, or out of the Estates of the late, and present Earls of *Clanricard*, in the Kingdom of *Ireland*, upon certain Trusts in the said Indenture mention'd. Now I do hereby ratify and confirm the said Indenture, and all the Matters and Things therein contain'd : And I do declare my Will and Mind is, That the
said

of Robert Feilding, *Esq*; xliij

saïd Money, and every Part thereof shall be subject and liable to such Powers, Limitations, Uses, Intents, and Purposes, as are in, and by the saïd Indenture limited and appointed; chargeable nevertheless with my Legacies hereafter mentioned.

Item, I give and bequeath to the saïd *Henry Eyres*, the Sum of One Hundred Pounds, for a Ring, and Mourning.

Item, I give and bequeath to the saïd *John Cotton* the Sum of Five Hundred Pounds, to be paid to him out of the saïd Money assigned, or intended to be assigned by the saïd Indenture, if the saïd Debt be recovered by him, or his Assistance.

Item, I give and bequeath to my Sister Mrs. *Elizabeth Palmer* Widow, the Sum of Five Hundred Pounds.

Item, I give and bequeath to my Sister Mrs. *Mary Gifford*, Widow, the Sum of One Hundred Pounds, with
this

xlij *The Last Will and Testament*

this Proviso, That she shall not be in any Confederacy, or be any ways concerned with her Sister *Catherine Brown*, and *Dorothy Warburton*, they being very Troublesome and Vexatious to me these many Years last past.

Item, I give and bequeath to my Brother *William Feilding* One Shilling, and the like Sum of One Shilling to his Son *William Feilding*, my Nephew.

Item, I give to my Sister Mrs. *Catherine Brown*, One Shilling.

Item, I give and bequeath to my Sister Mrs. *Dorothy Warburton*, Widow, One Shilling.

Item, I give and bequeath to the Clergy of the *Roman-Catholick Church*, the Sum of One Hundred Pounds to be distributed amongst them.

Item, My Will is, that all the said Legacies shall be paid by my Executrix hereafter named, out of the said Money assigned

of Robert Feilding, Esq; xlv

assigned or intended to be assigned by
the aforesaid Indenture.

And as to all my Mannors, Messua-
ges, Lands, Tenements, and Heredita-
ments whatsoever, lying in *Lutter-*
worth in the County of *Leicester*, or
wheresoever: And also all other my
real and personal Estate in *Great Britain*
and *Ireland*, I give devise and bequeath
the same unto my dear and loving Wife
Mary Feilding, her Heirs and Assigns
for ever. And I do hereby constitute
and appoint my said dear and loving
Wife *Mary Feilding*, sole Executrix of
this my last Will and Testament. And
I do hereby revoke and make void all
former Wills, Deeds, and Settlements
by me made, except the said Indenture
of the One and Twentieth Day of this
Instant *April*. And I do declare this
only to be my last Will and Testament.
In Witness whereof, I the said *Robert*
Feilding, have hereunto set my Hand
and Seal the Twenty Ninth Day of
April, Anno Domini One Thousand Se-
ven Hundred and Twelve. *Feilding*.
Signed,

xlvj *The Last Will and Testament*
Signed, Sealed, Published and Declared
by the said *Robert Feilding*, as his last
Will and Testament, in the Presence of
us, who Subscribed our Names in his
Sight and Presence, the words (lying
in *Lutterworth* in the County of *Lei-*
cester) being first interlined between
the Twenty Ninth and Thirtieth Lines
of the above Will.

Henry Hufsey of the Six Clerks Office,

Robert Dowling of the *Middle-Temple*,

Chr. Heslopp at *Cuttlers-Hall*, *London*.

P R O-

of Robert Feilding, Esq; xlvij

PROBATUM fuit hujusmodi Testamentum apud Londinum Coram Venerabili Viro Johanne Exton, Legum Doctore Surrogato prebonorandi Viri Domini Caroli Hedges, Militis Legum etiam Doctoris Curia Prerogativa Cantabrigiensis M. Custodis sive Cameraarii legitime constituti Decimo Tertio die Mensis Maij, Anno Domini Millesimo Septingentesimo Duodecimo Juramento Mariae Feilding Relictæ dicti defuncti & Executricis in dicto Testamento nominat' Cui Commissa fuit Administ. omnia & singulorum bonorum quod & Cred' dicti defuncti de bene & fidelium Administrand' eadem ad Sancta Dei Evangelia Jurat.

THO. WELHAM,
Registrarii Deputatus.



THE
C A S E
OF
B A R B A R A,
L A T E
Dutcheſs of Cleaveland.

*I*N Dei Nomine, Amen. Coram No-
bis Venerabili & Egregio Viro, Do-
mino Johanne Cooke, Militæ, Legum
Doctore, Almæ Curia Cant' de Archu-
B bus

2 *Articles exhibited against*

bus Lond' Officiali Principali legitime constituto ; nosrove Surrogato, aut alio Judice in hac Parte competente quocunque : Pars Nobilissima Fæminæ, Barbaræ Ducissæ de Cleaveland, contra & adversus Robertum Feilding, Arm' ejus pretensum Maritum, ac contra & adversus quemcunque alium, sive quoscunque alios, pro Eo in Judicio legitime intervenien' per viam querelæ, ac Nobis in hac Parte querelando ; dicit, allegat, & in his Scriptis in jure proponit articulatim, prout sequitur ; Viz.

I*n the Name of God, Amen. Before Us the Right Worshipful Sir John Cooke, Kt. Doctor of Laws, Official Principal of the Archdeaconry Court of Canterbury, lawfully constituted ; or to our Surrogate, or any other Competent Judge in this Behalf : The Part of the most Noble, Barbara, Dutchess of Cleaveland, against Robert Feilding, Esq; her*

Robert Feilding, *Esq*; 3

her pretended Husband, and against any other Person or Persons whatsoever, lawfully appearing in Judgment by way of Grievance, and to Us in this Part by Complaining, doth say, alledge, and propound articulately in Law, in these Writings, as followeth; To wit,

I.

Imprimis, That in the Monthis of *October* and *November*, in the Year of our Lord 1705, the said *Robert Feilding, Esq*; being a Widower, and free from all Matrimonial Contract; and having a Desire to make his Addresses and Courtship, in the way of Marriage, to *Mary Wadsworth*, Spinster; the said *Robert* did apply himself, and make known his Intentions, to Mrs. *Charlotte Henrietta Villars*, an Intimate Acquaintance and Companion of the said *Mary*; and did very much solicit and importune the said Mrs. *Villars*, to introduce him into the Compa-

4 Articles exhibited against

ny of the said *Mary*, and to bring him and the said *Mary* into each other's Company ; which the said Mrs. *Villars* promised to do. *Ponit tamen Pars ista proponens, de quolibet alio temporis spatio, &c. & conjunctim, divisim, & de quolibet.*

II.

Item, That within the Time in the foregoing Article mentioned, the said Mrs. *Charlotte Henrietta Villars*, according to her Promise made to the said *Robert Feilding*, Esq; did bring the said *Robert Feilding* and the said *Mary Wadsworth* into each other's Company. And the said *Robert*, at the Time of his first Coming into the Company of the said *Mary*, did express great Kindness, Love and Affection, to and for the said *Mary*; and did address himself to, and Court the said *Mary* in the way of Marriage; and solicit and importune her the said *Mary*, to consent to Marry him the said *Robert*: Which
the

Robert Feilding, *Esq;* 5

the said *Mary* refused, and would not consent to. *Ponit tamen Pars ista proponens, de quolibet alio temporis spatio, & ut supra.*

III.

Item, That notwithstanding and after the Refusal and Denial aforesaid, the said *Robert Feilding*, *Esq;* within the Time aforesaid, did continue to Visit, and make his Addresses and Courtship to the said *Mary Wadsworth*; and did often show and expresse very great Kindness, Love and Affection, to and for the said *Mary*; and did often solicit, intreat and importune, the said *Mary*, to consent to be Married to him the said *Robert*. And the said *Mary*, after such continued Sollicitations, Intreaties and Importunities, did consent to be Married to the said *Robert*. *Ponit tamen Pars ista proponens, de quolibet alio temporis spatio, &c. & ponit ut supra.*

B 3

IV. **Item**,

6 Articles exhibited against

IV.

Item, That the said *Robert Feilding*, Esq; being, or professing himself to be a *Roman-Catholick*, did desire and request the said *Mary Wadsworth*, to consent to be Married to him the said *Robert*, by a *Romish* Priest: And the said *Mary* consented to the same: *Et ponit ut supra.*

V.

Item, That after the said *Robert* had obtain'd the said *Mary Wadsworth's* Consent, to be Married to him as afore-said; to wit, about a Fortnight before the *Lord-Mayor's Day*, which happen'd on the 29th Day of *October*, in the Year of our Lord 1705; the said *Robert Feilding*, Esq; did buy some Gold-colour'd and White Ribbon, for a Pair of Garters; and bought some Gold Fringe; and desir'd *Mrs. Anne Heath* (in

Robert Feilding, *Esq*; 7

(in whose House the said *Robert* lodged) to set the said Fringe to such Ribbon: Which the said *Heath* accordingly did; and deliver'd the said Garters to the said *Robert*, who gave the same to the aforesaid *Charlotte Henrietta Villars*; and desired her, to give and deliver such Garters to the said *Mary Wadsworth*: And the said *Villars* gave, and deliver'd the same to the said *Mary*. *Ponit Pars ista proponens, de quolibet alio temporis spatio, &c. & ut supra.*

VI.

Item, That after the Premises, to wit, on or upon the *Sunday* next and immediately preceding the said 29th Day of *October*, 1705, the said *Mrs. Heath* did, by Order of the said *Robert Feilding, Esq*; procure, and show to him the said *Robert*, a Piece of White Ribbon with Stripes: And the said *Robert* declared, he liked the same; and ordered the said *Mrs. Heath* to cut

8 *Articles exhibited against*

off from the same a Suit of Knots for a Woman's Night-Cloths, or Night Head-Dress; which the said Mrs. *Heath* accordingly did, and deliver'd the same to the said *Robert*. *Ponit tamen Pars ista proponens, de quolibet alio temporis spatio, &c. & ut supra.*

VII.

Item, That on the next Day, being the *Lord-Mayor's Day*, to wit, the 29th Day of *October*, 1705, the said *Robert Feilding, Esq;* did buy a Pair of Red Scarlet Gloves for a Woman, and a Pair of White Gloves for himself: And in the Evening of the said Day, he the said *Robert* having desired, and expecting the said *Mary Wadsworth*, and the said *Charlotte Henrietta Villars*, to come to his Lodgings at Mrs. *Heath's* House in *Pall-Mall*; he order'd, that his said Lodgings should be put in Order, and a Fire made in the same; which was accordingly done. And the said *Robert* also order'd the said Mrs.

Mrs. *Heath* to send for him when the said Mrs. *Villars*, and the said *Mary Wadsworth*, came to his Lodgings. *Ponit tamen de quolibet alio temporis spacio, &c. & ut supra.*

VIII.

Item, That on the Evening of the said 29th Day of *October 1705*, the said *Mary Wadsworth*, and the said *Charlotte Henrietta Villars*, went together in a Mourning-Coach to the House of the aforesaid Mrs. *Heath* in *Pall-Mall*, and were conducted into the said *Robert Fielding, Esq*; his Lodgings, in the said House; and the said *Robert* not being in such Lodgings, the said Mrs. *Villars* went down into the said Mrs. *Heath's* Shop, and told the said Mrs. *Heath*, That she wonder'd that Mr. *Feilding* was not come, or not at Home; and the said Mrs. *Heath* reply'd, That the Major-General (meaning the said *Robert*) had left Orders with her to be sent for, when the Gentlewomen

10 Articles exhibited against

(meaning the said *Wadsworth* and *Villars*) came; and that she, the said *Heath*, had sent for him, the said *Robert*, and that he would come presently; upon which the said *Villars* went out of the said Shop, up Stairs, to the said *Mary Wadsworth*, in the said *Robert's* Lodgings. *Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.*

IX.

Item, Within a Quarter of an Hour after the said *Charlotte Henrietta Villars*, her Discourse with the said *Mrs. Heath*, and her going up to the said *Mary Wadsworth*, in the said *Robert Feilding, Esq.* his Lodgings, as aforesaid; he, the said *Robert Feilding*, came to the said *Wadsworth* and *Villars*, in the said Lodgings; and the said *Robert* procured *Mary Margareta Galli* to come to his said Lodgings; and the said *Mary Margareta Galli* came, and sung several Amorous Songs to the said *Robert*

Robert Feilding, Esq; 11

Robert Feilding and Mary Wadsworth;
and the said *Robert* was, and seemed to
be, wonderfully pleased and delighted
thereat; and he entertained and treated
the said *Mary Wadsworth*, in his said
Lodgings, at such Time. *Ponit tamen*
de quolibet alio temporis spatio, &c. &
ut supra.

X.

Item, That on or about the Eighth
Day of November 1705, the said *Ro-*
bert Feilding, Esq; having bought Two
Pair of White Roman Gloves, delivered
the same, or caused them to be deliver'd
to the said *Charlotte Henrietta Villars*;
who by order of the said *Robert*, deliver'd
the same, with the said Suit of Knots,
and Pair of Scarlet Gloves aforesaid;
which the said *Robert* had also deliver'd
to the said *Villars*, to the said *Mary*
Wadsworth. *Ponit tamen de quolibet*
alio temporis spatio, &c. & ut supra.

XI. **Item,**

XI.

Item, That the said *Robert Feilding*, Esq; and *Mrs. Mary Wadsworth*, having consented to be Married together, as aforesaid, they the said *Robert* and *Mary* agreed to be Married in his, the said *Robert's*, Lodgings, at *Mrs. Heath's* House in *Pall-Mall*, aforesaid, on the Evening of the Ninth of *November* 1705; and the said *Charlotte Henrietta Villars* was desired by the said *Robert* to come, with the said *Mary*, to his said Lodgings, and to be present at their said Marriage; and the said *Robert*, on the said Ninth of *November*, ordered, That his said Lodgings should be put in Order, and that clean Sheets should be put on his Bed; which was accordingly done. *Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.*

XII. **Item,**

XII.

Item, That the said *Robert Feilding*, Esq; and the said *Mary Wadsworth* having mutually agreed and consented to be Married together, as aforesaid ; he the said *Robert Feilding*, Esq; did on, or before, the Ninth Day of *November 1705*, prepare and buy a Gold Ring, to be used in the Solemnity of the Marriage of them, the said *Robert* and *Mary* ; and the said *Robert* did order and direct, That the Motto, or Posie, following, viz. *TIBI SOLI* should be engraven on such Ring ; which Motto, or Posey, was engraven accordingly. *Ponit tamen pars ista proponens de quolibet alio temporis spatio, &c. & ut supra.*

XIII.

Item, That in the Evening of the said Ninth Day of *November 1705*, the said

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said *Mary Wadsworth*, and the said *Charlotte Henrietta Villars*, went together to the Lodgings of the said *Robert Feilding*, Esq; in the House of Mrs. *Heath*, in *Pall Mall*, aforesaid; and after they had been there some time, the said *Robert* came to them in such Lodgings; and after some Discourse with them, he the said *Robert* told the said *Mary*, That he would go and fetch, or conduct, the Priest to them, to Marry him the said *Robert*, and her the said *Mary* together; which the said *Mary Wadsworth* consented to; and accordingly the said *Robert* went from out his said Lodgings to fetch the Priest thither, leaving and locking up the said *Mary Wadsworth* and the said Mrs. *Villars* in his said Lodgings. *Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.*

XIV.

Item, That the said *Robert Feilding*, Esq; having so left and locked the said *Mary*

Robert Feilding, Esq; 15

Mary Wadsworth, and the said Charlotte Henrietta Villars, in his Lodgings, as aforesaid; did take or hire a Hackney-Coach, and was driven or convey'd in the same to the House of Count Gallas, the Emperor of Germany's Envoy; and the said Robert went into the said House, and there enquir'd of some or one of the said Count's Servants for the Father in Red (meaning Don Francisco Dryan, a Romish Priest, and one of the Presbyters of the Romish Chapel in Leicester-Fields, who then lodged at, or often frequented and resorted to the said Count Gallas's House) and the said Robert was told by such Servant or Servants, That the said Father in Red was not within. *Ponit tamen de quolibet alio temporis spatio, &c. &c. ut supra.*

XV.

Item, That the said Robert Feilding, Esq; being informed by some or one of the said Count Gallas's Servants,

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vants, That the Father in Red was not within, as aforesaid ; he, the said *Robert*, seemed to be very uneasy and in haste ; and then enquir'd of such Servants or Servant for the said Count *Gallas's* first Chaplain, and being told such Chaplain was not within, he, the said *Robert*, asked such Servants or Servant, if they or he could not help him, the said *Robert*, to another Father (meaning another *Romish* Priest ;) upon which, such Servants or Servant talked and desired *Thomas Florence*, a *Romish* Priest, another of the said Count *Gallas's* Servants, and then in the said Count's House, to come to the said *Robert* ; and accordingly the said *Thomas Florence* came to the said *Robert*, in the Hall of the said Count *Gallas's* House. *Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.*

XVI.

Item, That the said *Thomas Florence* being come to the said *Robert*
Feilding,

Feilding, *Esq*; in the Hall of the said Count *Gallas's* House, he, the said *Robert*, did then and there acquaint the said *Thomas Florence*, That he the said *Robert* came thither in Expectation to have met with the Father in Red, (meaning the aforesaid Don *Francisco Dryan*;) but he, or such Father, being absent, he the said *Florence* might do as well. And the said *Robert* then told the said *Florence*, That he the said *Robert* had for some time courted a pretty Woman, and that he then found her well-disposed in every Thing : And the said *Robert* then desired the said *Florence* to go with, and Marry him, the said *Robert*.

XVII.

Item, That upon the said *Robert Feilding*, *Esq*; his desiring the said *Thomas Florence* to Marry him the said *Robert*, as aforesaid ; the said *Thomas Florence* told the said *Robert*, That he the said *Florence* being a Foreigner, he
the

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the said *Florence* thought it was not proper for him to do it (meaning to Marry the said *Robert*;) but he the said *Florence* would acquaint his Master, the said Count *Gallas* with it (meaning the said *Robert's* Desire aforesaid,) and take his Directions: And accordingly the said *Florence* went up Stairs to the said Count *Gallas*, to take his Directions, whether he the said *Florence* should Marry the said *Robert*. *Et Ponit ut supra.*

XVIII.

Item, That when the said *Thomas Florence* was gone up Stairs to the said Count *Gallas*, to take his the said Count's Directions, whether he the said *Florence* should Marry the aforesaid *Robert Feilding*, Esq; the aforesaid Father in Red, (*viz.* the aforesaid *Don Francisco Dryan*) a *Romish* Priest, came into the said Count *Gallas's* House; and then the said *Robert* told the said *Don Francisco Dryan*, that he the said *Robert*

Robert came to look for him the said Don Francisco Dryan. And that he the said Robert was very glad he the said Don Francisco Dryan was returned; for that he the said Don Francisco Dryan must go along with, and do some Business of Consequence for him the said Robert. And when the said Robert, and the said Don Francisco Dryan, went into the aforefaid Hackney Coach, and were drove and conveyed in such Coach from the House of the aforefaid Count, before the said Florence returned, and came down from the said Count. And the said Robert upon his going from such House, gave some or one of the said Count's Servants Half a Crown. *Et ponit ut supra.*

XIX.

Item, That on the Evening of the Ninth Day of November, 1705, aforefaid, he the said Robert returned in a Coach to his said Lodgings, in the House of the said Mrs. Heath in Pall-Mall aforefaid; and in such Coach brought

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brought thither with him the afore-
 said *Don Francisco Dryan*, a *Romish*
 Priest, and one of the Presbyters of
 the *Romish Chapel in Leiceſter-Fields*
 who was then Habited in a long Red
 Gown, lined with Blue, and a Fur
 Cap, and a long Beard. And there
 and there, to wit, on the ſaid Evening
 of the ſaid Ninth of *November, 1705*,
 in the ſaid *Robert Feilding, Eſq;* his
 Lodgings, in the Houſe of the ſaid
Mrs. Heath in Pall-Mall aforeſaid, the
 ſaid *Robert Feilding, Eſq;* and the ſaid
Mary Wadſworth, being free from all
 Matrimonial Contract, ſave to each other,
 did, *verbo de preſenti*, contract themſelves
 in lawful Matrimony, and were law-
 fully Married together by the ſaid *Don*
Franciſco Dryan, a Priest in Holy Or-
 ders. And the ſaid *Robert* and *Mary*
 were, by the ſaid *Don Francisco Dryan*,
 pronounced to be lawful Man and
 Wife. *Ponit tamen de quolibet alio*
temporis ſpatio, &c. & ut ſupra.

XX.

Item, The said Party Proponent doth exhibit, and hereunto annex a Gold Ring, on which is engraven the Motto, or Posie following, *viz.* TIBI SOLI. And doth alledge, that the said Ring so exhibited, was produced by the said *Robert Feilding, Esq*; at the Solemnization of his Marriage. And that the said Gold Ring so exhibited, is the same Gold Ring so procured, and bought by the said *Robert Feilding*, as aforesaid; and on which the Motto, or Posie aforesaid, was engraven by order of the said *Robert* in manner as aforesaid. And so much is well known to some Persons, or Person, to whom the said *Mary* showed such Ring immediately after the Solemnization of the Marriage aforesaid. *Ponit tamen de quolibet alio temporis spatii, &c. & ut supra.*

XXI.

XXI.

Item, That after the Solemnization of the said Marriage, to wit, on the Evening or Night of the said Ninth of November, 1705, the said *Robert Feilding*, and the said *Mary* his Wife, did go to Bed together, and did lye together in one and the same Bed ; *Nudus cum Nuda, solus cum sola* ; in his the said *Robert's* Lodgings, in the said *Heath's* House in *Pall-Mall* aforesaid ; and did then and there consummate their said Marriage, and had Carnal Knowledge of each other's Bodies. And they lay, and continued in Naked Bed together, all the Night of the said Ninth Day of November, 1705. And after they were in Bed, he called in *Charlotte Henrietta Villars*, to be a Witness of their being in Bed together.

XXII.

Item, That the said *Charlotte Henrietta Villars* did, on the said Night of the said Ninth of *November*, 1705, lye in a Room up Two Pair of Stairs forwards, in the said Mrs *Heath's* House; and the Sheets taken from off the said *Robert Feilding's* Bed, (when clean ones were put on) were laid on the Bed in which the said *Villars* lay. And the said *Villars* saw the said *Robert*, and *Mary* his Wife, in Naked Bed together, on the said Night, before she the said *Villars* went to Bed. *Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.*

XXIII.

Item, That on the *Sunday* next and immediately following the afore-said Marriage of the said *Robert Feilding*,
ing,

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ing, Esq; to the said *Mary* his Wife, in manner aforesaid, he the said *Robert* being at the aforesaid Count *Gallas* his Chapel, then and there told some or one of the aforesaid Count's Servants, (who let him the said *Robert* into the said Count's House, and desired the aforesaid *Thomas Florence* to come to him the said *Robert*, as pre-alledged;) that he the said *Robert* was infinitely obliged to them or him, such Servants or Servant, for their or his Service; they or he, such Servants or Servant, had done to him the said *Robert*.
Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.

XXIV.

Item, That after the Solemnization and Consummation of the Marriage aforesaid, the said *Robert Fielding*, Esq; did tell and declare to the said *Mary* his Wife, that the most Noble *Barbara*, Dutchess of *Cleveland* had settled

settled all, or the greatest Part of her Estate on him the said *Robert*. And that if she heard of his aforesaid Marriage he feared she might alter her Mind, or retract what she had done, and not be so kind to him. The said *Robert*, for the Reasons aforesaid, desired that his Marriage to the said *Mary* his Wife might be kept private. And that she the said *Mary* his Wife would not continue to lodge with him the said *Robert* at his said Lodgings, but that they might privately meet together there, and at such other Places as they should agree upon. To all which the said *Mary* consented; and she and the said *Charlotta Henrietta Villars* went together from the said *Robert's* Lodgings aforesaid, on the next Morning, after the Solemnization and Consummation of the Marriage aforesaid. *Ponitamen de quolibet alio temporis spatio, &c. & ut supra.*

XXV.

Item, That pursuant to the desire of the aforesaid *Robert Feilding, Esq;* and the Consent of the said *Mary* his Wife, as mentioned in the immediate foregoing Article, they the said *Robert* and *Mary* did, on several Nights after the Marriage aforesaid, meet together privately at his the said *Robert's* Lodgings aforesaid, and other Places; and lay together several Nights in naked Bed, *solus cum sola & nudus cum nuda*, and had Carnal Knowledge of each others Bodies, in his the said *Robert's* said Lodgings, and other Places. And the said *Charlotta Henrietta Villars*, lay in the Room up two Pair of Stairs forward in the said Mrs. *Heath's* House, on such Nights as the said *Mary* lay with the said *Robert* her Husband in his said Lodgings after the Marriage aforesaid. *Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.*

XXVI.

XXVI.

Item, The Party Proponent doth alledge, that the aforesaid *Charlotta Henrietta Villars* was privy to the Courtship, and Marriage of the said *Robert Fielding*, Esq; and the said *Mary* his Wife, and to the Consummation of the said Marriage ; and that the said *Charlotta Henrietta Villars*, both before and after the said Marriage, did carry and convey several Messages and Letters from the said *Robert* to the said *Mary* ; and also from the said *Mary* to the said *Robert*. And she the said *Charlotta Henrietta Villars* was the Confidant of the said *Robert* and *Mary*. And the said *Robert* ordered all his Servants to call him to the said *Charlotta Henrietta Villars* whensoever she came ; let him the said *Robert* be in whatsoever Company it happened. And that they should not permit , or suffer any Person to come to him, when, and at such times or time as the said *Charlotta Hnnrietta Villars* was with him the said *Robert*. *Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.* C 2 XVIII.

XXVII.

Item, That before, and after, the
aforesaid Marriage of the said *Robert*
Feilding, Esq; to the said *Mary* his
Wife, he the said *Robert* did take upon
him, assume, go by, and was called,
by the Names or Titles of Earl of
Glasgow, *Doncaster*, Viscount *Tunbridge*,
and Major General *Feilding*. *Ponit*
tamen de quolibet alio temporis spatio,
&c. & ut supra.

XXVIII.

Item, That after the Marriage of
the said *Robert Feilding*, Esq; to the
said *Mary* his Wife, in manner afore-
said, he the said *Robert* did with his own
Hand write several Letters, and send
the same by the said *Charlotta Henrietta*
Villars to the said *Mary* his Wife; in
which Letters he called and styled
the said *Mary* his Wife, and himself
her

Robert Feilding, Esq; 29

her the said *Mary's* Husband. And he directed such Letters, or most of them, to his dear Wife, or to the best of Wives, the Countess of *Feilding*. Which Letters, the said *Charlotta Henrietta Villars*, by Order and Direction of the said *Robert*, conveyed and delivered to the said *Mary*, Wife of the said *Robert Feilding, Esq;* *Ponit tamen de quolibet alio. temporis spatio, &c. & ut supra.*

XXIX.

Item, That notwithstanding the Premises in the foregoing Article mentioned, the said *Robert Feilding, Esq;* being altogether unmindful of his Souls Health, and instigated by the Devil, did after the Solemnization, and Consummation of his Marriage aforesaid with the said *Mary* his Wife, to wit, after the Ninth Day of *November, 1705*, pretend, and give out in Speeches that he was a Widower and un-married Man, and did make his Addresses and

C 3 Courtship

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Courtship in the Way of Marriage, to the Most Noble *Barbara*, Dutchess of *Cleaveland*; and did very much intreat and importune the said Dutchess to consent to be married to him the said *Robert*; and the said Dutchess being altogether Ignorant of the said *Robert's* aforesaid Marriage to the aforesaid *Mary* his Wife, and believing the said *Robert* to be a Widower, and unmarried Man, did after great Sollicitations, Intreaties, and Importunities, consent to be Married to the said *Robert*.
Ponit tamen pars ista proponens de quolibet alio temporis spatio, &c. Et ut supra.

XXX,

Item, That the said *Robert Feilding*, Esq; having obtain'd the Consent of the said Most Noble *Barbara*, Dutchess of *Cleaveland*, to be Married to him, as aforesaid: They, the said *Robert Feilding*, Esq; and the said Most Noble *Barbara*, Dutchess of *Cleaveland*,
 did

did on the Five and Twentieth Day of November, 1705, in the House of the said Dutchess, in Bond-Street, in the Parish of St. James's, in the Liberty of Westminster, or St. Martin's in the Fields, in the County of Middlesex, *de facto*, contract themselves together in Wedlock; and a Marriage, or rather Form or Shape of a Marriage, was solemniz'd, or rather profan'd, between them the said Robert, and the said Dutchess, by Father Remigius, alias Deviett, a Romish Priest, and Chaplain, belonging to the Envoy of the King of Portugal; and they the said Robert Fielding, Esq; and the said Barbara, Dutchess of Cleaveland, did consummate the said pretended Marriage by Carnal Copulation, and lived together as Man and Wife for some considerable Time afterwards. *Ponit tamen pars ista proponens de quolibet alio temporis spatio, &c. & ut supra.*

XXXI.

Item, That the Party proponent doth alledge, That the aforesaid *Mary*, Wife of the aforesaid *Robert Fielding*, Esq; was living on the 25th Day of *November*, 1705, and at the Time the pretended Marriage was solemnized, or rather profaned, between the said *Robert*, and the said Most Noble *Barbara*, Dutcheß of *Cleaveland*; and that the said *Mary*, Wife of the said *Robert*, is still living; and that by reason thereof, the said pretended Marriage solemnized, or rather profaned, between the said *Robert Feilding*, Esq; and the said Most Noble *Barbara*, Dutcheß of *Cleaveland*, was null and void, *ab initio*, and is invalid, null, and void, to all Intents and Purposes in Law. *Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.*

XXXII.

Item, That the said Most Noble *Barbara*, Dutches- of *Cleaveland*, being credibly informed of the aforesaid *Robert Feilding*, Esq; his aforesaid Marriage to the said *Mary* his Wife; and that the said *Mary Wadsworth* then was, as she still is, living; she the said Most Noble *Barbara*, Dutches- of *Cleaveland*, desisted from cohabiting with, and withdrew her self from the Bed, Board, and Cohabitation, of the said *Robert Feilding*, Esq; and hath ever since refrained, and still doth refrain, his, the said *Robert's* Company and Conversation. *Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.*

XXXIII.

Item, That for supply of Proofs of the Premises, in the foregoing Articles

C. 5

mention'd,

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mention'd, and to all Intents and Purposes in Law whatsoever, the Party proponent doth exhibit, and hereunto annex, Seven several Letters, number'd or mark'd thus, N^o 1, N^o 2, N^o 3, N^o 4, N^o 5, N^o 6, N^o 7. That number'd or mark'd N^o 1, beginning, *November the 14th, 1705, There is nothing could please me more on this Occasion, than to hear my dearest Wife say, &c. and ending thus, We may go to Bed and lye till Morning, when Puggy may come again and call you; Adieu my Soul's Love, that I must value more than Life; and superscrib'd thus, To the Best of Wives, Anne, Countess of Feilding, at Waddon.* That number'd or mark'd N^o 2, beginning thus, *Tuesday Morning, Puggy's Indisposition has made me, against my Will, indebted to my dear Wife; and ending thus, Adieu my dearest Wife, your own Husband, and ever Faithful.* That mark'd or number'd N^o 3, beginning thus, *Saturday Noon: I am glad to bear my dearest Wife got safe Home; and*

Robert Feilding, Esq; 35

and ending thus, *Adieu my Soul's Life, think of your own* Fielding; and superscribed thus, *To my better Half the Countess of Feilding, at Waddon.* That N^o 4. beginning thus, *November the 27th, 1705, The last Letter I had from my dearest Wife;* and ending thus, *I shall never fail of giving her fresh Proofs that I am her loving and affectionate Husband, Feilding.* That N^o 5, beginning thus, *Tuesday Morning: It is certain I have been very much out of order;* and ending thus, *Adieu; I am all yours, and loving Husband Feilding;* and superscribed thus, *To the Right Honourable the Countess of Feilding.* That N^o 6, beginning thus, *Tuesday, I had returned my dear Wife's Favour, &c.* *I am never so well pleased as when employed by my dearest Wife, and must be ever her affectionate Husband till Death,* Feilding; and superscribed thus, *To my dear Wife the Countess of Feilding.* That N^o 7, beginning thus, *Saturday Night: I hope my dearest Wife will easily believe;* and ending thus, *Eternally*
your

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your own Feilding; and superscribed thus: *To the Right Honourable the Countess of Feilding.* And the Party Proponent doth alledge, that the said several Letters, N^o. 1. N^o. 2. N^o. 3. N^o. 4. N^o. 5. N^o. 6. N^o. 7. beginning, and ending, and superscribed as aforesaid, were totally wrote and superscribed as aforesaid, by, and are all of the proper Hand-Writing of the said Robert Feilding, Esq;: And so much is known to, and firmly believed by several Persons, who know, and are well acquainted with the Manner and Character of Hand-Writing of the said Robert. *Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.*

XXXIV.

Item, That the Party Proponent doth alledge, that by these Words, *viz. My Dearest Wife, my Dear herself, my Dearest Life, my Soul's Love,* wrote and inserted in the aforesaid Letter, N^o. 1. and by these Words, *viz. Best*

Robert Feilding, Esq; 37

Best of Wives, Anne Countess of Feilding, wrote on the Subscription of the said Letter, N^o. 1. was, and is meant the aforesaid Mary, Wife of the said Robert Feilding, Esq; : And that by the Word *Puggy*, in the said Letter, N^o. 1. also mentioned, was, and is meant and intended, the aforesaid *Charlotte Henrietta Villars*, who the said Robert Feilding, Esq; usually called by the Name of *Puggy*. *Et ponit ut supra.*

XXXV.

Item, The Party Proponent doth alledge, that by these Words, *viz. My Dear Wife; my Best Wife, my Dear, my Dearest Nannette, my Dearest Wife*; wrote and inserted in the aforesaid Letter, N^o. 2. was, and is meant and intended, the aforesaid Mary, Wife of the said Robert Feilding, Esq; ; he the said Robert frequently called the said Mary his Wife, and speaking of her by the Name of † *Nannette* : And that

† Mrs. Deleau's Christian Name was *Anne*, with whom Mr. Feilding thought he corresponded.

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by the Word *Puggy*, in the said Letter also mentioned, was, and is meant and intended, the aforesaid *Charlotta Henrietta Villars*; and that by these Words, *Your own Husband*, in the said Letter N^o. 2. wrote and inserted, was, and is meant and intended, the said *Robert Feilding, Esq;*. *Et ponit ut supra.*

XXXVI.

Item, The Party Proponent doth alledge, that by these Words, *viz. My dearest Wife Nannette*, wrote and inserted in the aforesaid Letter, N^o. 3. and by these Words, *viz. My better Half, the Countess of Feilding*, wrote and inserted on the Superscription of the said Letter, N^o. 3. was, and is meant and intended the aforesaid *Mary*, Wife of the aforesaid *Robert Feilding, Esq;*: And that by these Words, *viz. Your own Feilding*, wrote and inserted in the said Letter, N^o. 3. was, and is meant and intended, the aforesaid *Robert*

Robert Fielding, *Esq;* 39
bert Feilding, Esq;. Et ponit ut supra.

XXXVII.

Item, That the Party Proponent doth alledge, that by these Words, *viz. My Dearest Wife, my Dearest, my Dear,* wrote and inserted in the aforesaid Letter, N^o. 4. was, and is meant and intended the aforesaid *Mary*, Wife of the said *Robert Feilding, Esq;* : And that by the Word *Puggy*, wrote in the said Letter, was, and is meant and intended, the aforesaid *Charlotta Henrietta Villars* : And that by these Words, *viz. I am her Loving and Affectionate Husband,* Feilding, in the said Letter, N^o. 4. also wrote and inserted, was, and is meant and intended, the said *Robert Feilding, Esq;* : And that by these Words, *viz. Her Grace's,* wrote and inserted in the said Letter, N^o. 4. was, and is meant and intended, the aforesaid most Noble *Barbara*, Dutcheß of *Cleveland*. *Et ponit ut supra.*

XXXVIII.

XXXVIII.

Item, The Party Proponent doth alledge, that by these Words, *viz. My Dearest Eyes, my Dear Wife Nannette, my Dearest Nannette,* wrote and inserted in the aforesaid Letter, N°. 5. and by these Words, *Countess of Feilding,* wrote in the Superscription of the said Letter, was, and is meant and intended the aforesaid *Mary, Wife of the said Robert Feilding, Esq;* : And that by these Words, *viz. Yours, and Loving Husband,* Feilding, wrote and inserted in the said Letter, was, and is meant and intended, the said *Robert Feilding, Esq;*. And that by these Words, *viz. Her Grace's,* wrote and inserted in the said Letter, N°. 5. was, and is meant and intended, the aforesaid most Noble *Barbara, Dutchess of Cleaveland. Et ponit ut supra.*

XXXIX.

XXXIX.

Item, The Party Proponent doth alledge, That by these Words, *viz.* *My Dear Wife, my Dear, my Dearest Life,* wrote and inserted in the aforesaid Letter, N^o. 6. was, and is meant and intended, the aforesaid *Mary*, Wife of the aforesaid *Robert Feilding, Esq;* And that by these Words, *viz.* *Her Affectionate Husband till Death,* Feilding, wrote and inserted in the said Letter, N^o. 6. was and is meant and intended, the said *Robert Feilding, Esq;* And that by these Words, *viz.* *Lady Dutchess's,* in the said Letter, N^o. 6. was and is meant the aforesaid most Noble *Barbara*, Dutchess of *Cleveland*; and that by the Word *Puggy*, wrote in the said Letter, was and is meant and intended, the aforesaid *Charlotta Henrietta Villars.* *Et ut supra.*

XL.

Item, The said Party Proponent doth alledge, that by these Words, *viz.* *My Dearest Wife*, wrote and inserted in the aforesaid Letter, N^o. 7. and by these Words, *Right Honourable Countess of Feilding*, superscribed on the said Letter, N^o. 7. was, and is meant and intended, the aforesaid *Mary*, Wife of the aforesaid *Robert Feilding*, Esq; : And that by these Words, *Eternally your own Feilding*, wrote and inserted in the said Letter, N^o. 7. was, and is meant and intended, the said *Robert Feilding*, Esq;. *Et ponit ut supra.*

XLI.

Item, The said Party Proponent doth alledge, that the aforesaid Letters, N^o. 1. N^o. 2. N^o. 3. N^o. 4. N^o. 5. N^o. 6. N^o. 7. were wrote at the several Times therein mentioned : And that
the

Robert Feilding, Esq; 43

the Contents of the said Letters are true ; and that all Things were so had and done, as in the said several Letters is mentioned. *Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.*

XLII.

Item, That the aforesaid *Charlotta Henrietta Villars* did see the aforesaid *Robert Feilding, Esq;* totally write and superscribe the aforesaid Letters, N°. 1. N°. 2. N°. 3. N°. 4. N°. 5. N°. 6. N°. 7. in manner as before alledged ; and the said *Robert Feilding, Esq;* did deliver all the said Letters to the said *Charlotta Henrietta Villars*, and desired her to convey and deliver all the aforesaid Letters, to the aforesaid *Mary*, Wife of him the said *Robert Feilding, Esq;* and the said *Charlotta Henrietta Villars* conveyed and delivered all the said Letters to the said *Mary*, Wife of the said *Robert Feilding, Esq;* accordingly. *Ponit tamen, &c. & ut supra.*

XLIII.

XLIII.

Item, That after the aforesaid most Noble *Barbara*, Dutchess of *Cleaveland*, had been informed of the Marriage of the aforesaid *Robert Feilding*, Esq; to the said *Mary* his Wife, he the said *Robert Feilding*, Esq; fearing that the aforesaid *Charlotta Henrietta Villars* might make a full, clear, and true discovery of such Marriage, did send for the said *Charlotta Henrietta Villars*. And accordingly, the said *Charlotta Henrietta Villars* went to him the said *Robert Feilding*, Esq; to his House in *Bond-street*; where the said *Robert* asked the said *Charlotta Henrietta Villars* if she had brought the Apron, and other Things he had sent for the said *Mary* his Wife; and also asked her, the said *Villars*, if Mrs. *Wadsworth* (meaning the aforesaid *Mary*) was not a fit Wife for him the said *Robert*? And that if he the said *Robert* should send up for the Lady Dutchess, (meaning the aforesaid most Noble *Barbara*, Dutchess of *Cleaveland*,

Cleveland, and acquaint her Grace, what a Wife she the said *Villars* had helpt him the said *Robert* to (meaning the said *Mary*, Wife of the said *Robert*,) whether the said *Villars* did not think, that the said Lady Dutcheſs would thank her for it. And the said *Villars* thereto replied, That she believed her Grace would thank her for it. *Ponit tamen de quolibet alio temporis spatio, &c. & ponit ut supra.*

XLIV.

Item, That upon the said *Charlotte Henrietta Villars*, her telling the said *Robert Feilding*, Esq; that she believed her Grace would thank her, as is mentioned in the foregoing Article, he the said *Robert Feilding*, Esq; did lock Five Locks upon the said *Charlotta Henrietta Villars*, and did beat and abuse her in a most barbarous and cruel manner; and did hold up to her Head an Instrument or Weapon, being a Hatchet on one side, and a Hammer on the other; and did say to the said
Charlotta

46 *Articles exhibited against*

Charlotta Henrietta Villars, that he the said *Robert* would slit her Skull and Nose, if she should dare to mention his the said *Robert* being Married to Mrs. *Wadsworth*, meaning the said *Mary*, Wife of the said *Robert*. And the said *Villars* was forced to promise the said *Robert* that she would not mention any thing of such Marriage. *Ponit tamen de quolibet alio temporis spatio, &c. & ut supra.*

XLV.

Item, That upon the aforesaid *Charlotta Henrietta Villars*, she promising she would not mention any thing of the Marriage of the said *Robert Feilding*, Esq; to the said *Mary* his Wife, as set forth in the foregoing Article; he the said *Robert* did unlock the Five Locks, and release the said *Charlotta Henrietta* from the Confinement she was under, in his the said *Robert's* aforesaid House, and permit her to go from out the same. And as the said *Charlotta Henrietta* was going from out such

such House, he the said Robert told the said *Charlotta Henrietta*, that if ever she mentioned his the said Robert's being Married to that Bitch (meaning the said *Mary*, his the said Robert's Wife,) he the said Robert would strip her the said *Charlotta Henrietta Villars's* Skin off her Bones, and make his *Moores* to bruise her Bones. *Ponit tamen de quolibet alio temporis spatio, &c. & ponit ut supra : i. e.* Notwithstanding, lay it at any other space of time, and as above.

XLVI.

Item, Quod prefatus Robertus Feilding fuit, & est, Parochia Sancti Jacobi, vel Sancti Martini, in Campis in Com. Middlesex, Diocef. Lond. Cant. que Provincia & ratione Literarum requisitor ab Ordinario loci debit obtent, Jurisni hujus Curia norie subdit. & subjeet. & ponit ut supra : i. e. That the said Robert Feilding was, and is, of the Parish of St. James's, or St. Martin's in the Fields, of the Diocess of London, and of the Province of Canterbury; and by reason of Letters of Request,

48 *Articles agst. R. Feilding, Esq;*
Request, due, and obtained from the
Ordinary, is notoriously subject to the
Jurisdiction of this Court.

XLVII.

Item, Quod de & super permissis omnibus & singulis ad legitimam curiam, & ad vos Dominum officialem, ejusdem rite, & legitime dictum & que relatum, & ponit ut supra : i. e. That of, and concerning all, and singular, the Premises, the Libel is lawfully laid before this Court, and before the Judges of the same.

XLVIII.

Item, Quod permissu omnia & singula fuerunt & sunt vera publica notoria manifesta pariter & famosa at de & super iisdem laborarunt, & in presenti laborant publica Vox & Fama : i. e. That all, and singular the Premises were and are true, publick, notorious, manifest, and even famed; and of, and concerning the same, there is as publick Voice and Fame.

S E V E N

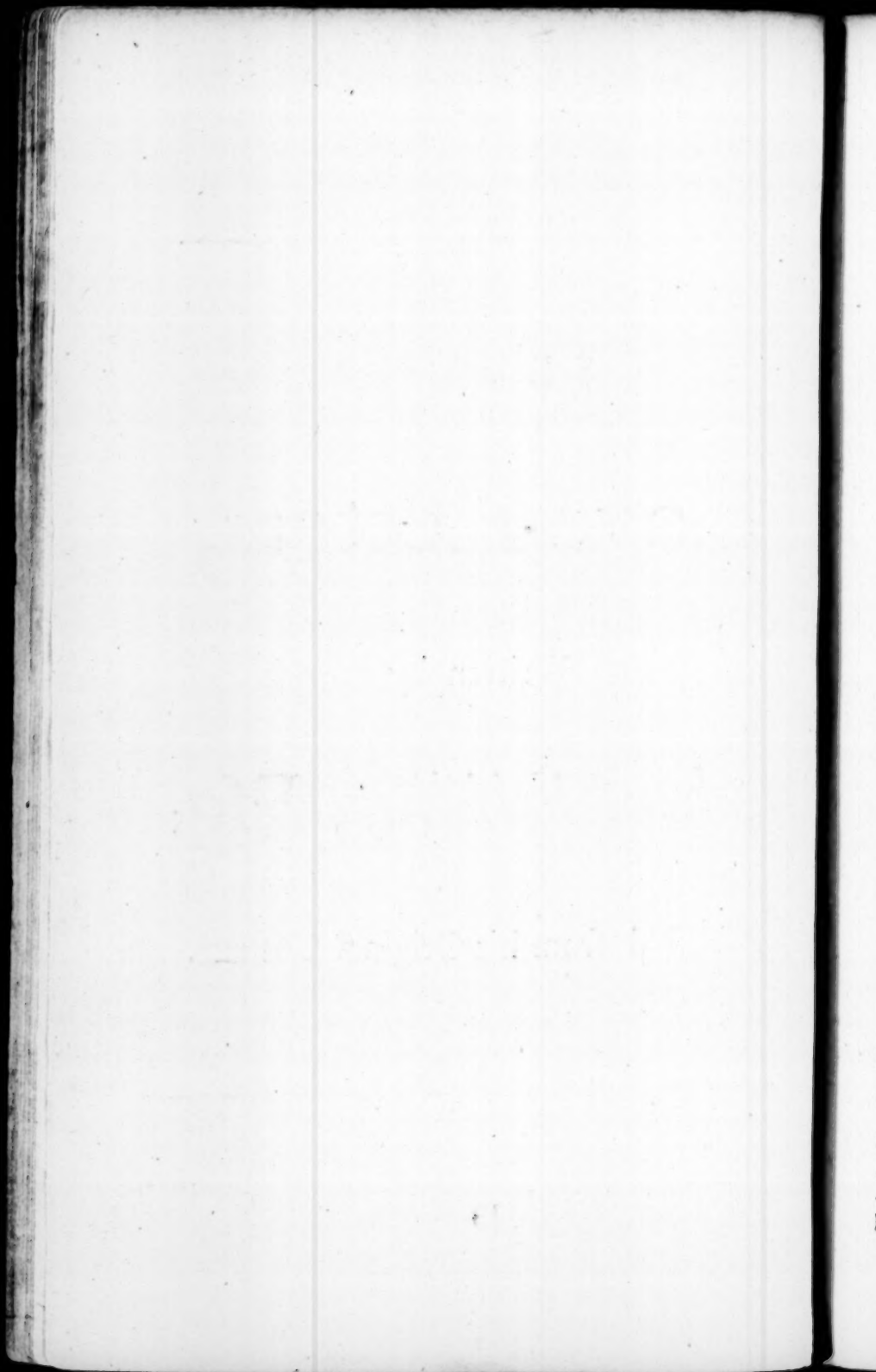
Love-Letters,

Written by

Robert Feilding, Esq;

Publish'd from his Original COPIES.

D



(3)

Love - Letters,

B Y

ROBERT FEILDING, Esq;

N U M B. I.

Nov. the 14th.

1705.

T Here is nothing could please me more, on this Occasion, than to hear my Dearest Wife say, I have made her sick by turning her Liver ; for without that we could not hope for a Young Lord *Tunbridge*, which would be next to my Dear her Self the most Welcome Present to my Arms. Make haste then my Dearest Life, to cultivate the Young Spark ; and be sure you don't starve my Boy. As for your coming to me, it wholly depends upon your self, who can best judge when is most proper to come to me : Which

D 2

you

4 LOVE-LETTERS,

you may do, by giving out you are to stay all Night at *London* ; and then you and *Puggy* have nothing to do, but to come at Bed-time ; and so we may go to Bed, and lye till Morning ; when *Puggy* may come again, and call you. Adieu my Soul's Love,

that I must value more than Life,

Feilding.

*To the best of Wives, Anne
Countesse of Feilding,
at Waddon.*

N U M B.

N U M B. II.

Tuesday-Morning.

*P*Uggy's Indisposition has made me against my Will indebted to my dear Wife for a kind Billett She brought me before this She sent me this Morning ; which I hope will safely kiss her Hands ; for the Contrivance of Conveying it is very ingenious. You'd have Reason to pity *Puggy* if you knew all ; that is to say, I believe She is in your own Condition : Which News from my best Wife if it be confirm'd , I fancy I should hardly survive the Joy and Transport ; therefore for God Sake confirm it as soon as ever you are sure that Matters are fixt. I hope you remember the dear dear Day of my having you in my naked Arms, and seiz'd and possess'd my self of all those Charming Treasures my Dear till then had

D 3

deny'd

6 LOVE-LETTERS,

deny'd me. But then blest be the Memory of so much Bliss ; then, I say, open'd those Floodgates of Happiness ; and sure you must remember, that

Like Light and Heat incorporate we lay ;

We blest the Night, and curst the coming Day.

Nay even still, whenever I but think of that Night's way of passing our Times, and how my Dear assisted me to get into the inmost Closet of her Dearest W---b ; methinks I f--- again with Height of Pleasures, and f--- and f---, till I dissolve with Pleasure. Make haste then my Dearest *Nannette*, to your Husband's Arms to-morrow Night, as you promis'd me by *Puggy* ; that we may again repeat those Pleasures. And tho' I believe I made my Love a little sore, as I was my self the first time we try'd ; yet now Matters will be more easy. I am sure the Head of your poor Play-fellow was so swell'd, by the Eagerness of thrusting it into your Seat of Paradise, that you
took

by Robert Feilding, *Esq*; 7

took all the Skinn off the Face of
it : So pray bring some of the same
Balsome you carry about, to heal it ;
for nothing is so sweet or healing , as
the dear Liquor my Dear carries be-
tween her Legs ; which She must
promise to open as wide as She can,
that my Great P—— may get again into
her W—b. Adieu my Dearest Wife.

Your own Husband,

and ever Faithful

Feilding.

8 LOVE-LETTERS,

N U M B. III.

Saturday-Noon.

I Am glad to hear my Dearest Wife
gott safe Home, and without being
whipt ; for I should be very jealous a-
ny one should peep into *Nannette's*
Backside but my self. I assure you when I
have gott you once more in my Arms,
I'll so belabour it, I'll make it black and
blew, and cram it full of my *Elixir*, to
nourish Young Lord *Tunbridge*. Adieu
my Soul's Life : Think of your own

Feilding.

*To my better Halfe, the
Countesse of Feilding,
at Waddon.*

N U M B.

N U M B. IV.

Nov. the 27th.

1705.

THE last Letter I had from my Dearest Wife, has mortified me much; finding that notwithstanding all my Kindness, She taxes me with Coldness in my Letters; which I call Heaven to witness I never in the least intended; and beg my Dearest to give me some Warning, before She taxes me of Unkindness. *Puggy* tells me, that my Dear designs to come to Town to-morrow; which I hope She will put off till another Day, because I am obliged to be at her Grace's to-morrow all the Afternoon, and till late at Night: But any other Day my Dear shall find She is always welcome to the Arms of him, who loves her more than Life it self: And I shall never fail of giving

10 LOVE-LETTERS,
her fresh Proofs that I am

Her Loving and

Affectionate Husband,

Feilding.

N U M B. V.

Teusday-Morn'

'TIS certaine I have been very
much out of Order of late,
particularly last Night, that I thought
I should have died, or I would have
writt to my Dearest Eyes before now.
I have not lain at my Lodgings since
I saw my Dear Wife; and this Week
shall

by Robert Feilding, *Esq*; 11

shall leave them altogether, to lye at her Grace's. However, I shall always keep the Conveniency to meet you there ; and I will (God willing) lye there to-morrow Night, being *Wednesday Night*, where I hope *Nannette* will come and lye with me : Which She may do, by coming at Ten or Eleven a Clock to my Lodgings, and lye till next Morning. Pray fail not ; for I long to have my Dearest *Nannette* in my Arms. Adieu.

I am all yours,

and Loving Husband,

Feilding.

*To the Right Honourable the
Countesse of Feilding.*

N U M B.

12 LOVE-LETTERS,

N U M B. VI.

Sunday-Night.

I Had returned my Dear Wife's Favour long before now, but Lady Dutcheſſes Sickneſs on one Hand, and more then ordinary Buſineſs [of which I will give my Dear a particular Account] on the other Hand, has not given me a Moment to write to my Love. *Puggy* brings you the Sett of Knotts you deſire, and the Pattern of the Damask : Or if my Deareſt Life wants any Thing elſe, She may with Pleaſure command it ; for I am never ſo well pleaſed as when employ'd by Deareſt Wife, and muſt be ever

Her Affectionate Husband
till Death,

Feilding.

*To the Right Honourable the
Counteſſe of Feilding.*

N U M B.

by Robert Feilding, *Esq*; 13

N U M B. VII.

Sunday-Night.

I Hope my Dearest Wife will easily believe, that nothing can be welcomer to me than the Assurance of her Health : But as I received hers but this Day, I could not have the Felicity of Seeing her To-morrow, and She have Notice of it : Therefore if She thinks fitt, on *Thursday* next at Four a Clock I'll see her at *Puggy's*, and there endeavour to repair this tedious Absence.

Eternally your own

Feilding.

To the Right Honourable the
Countesse of Feilding.

The

The S E N T E N C E.

On the 24th Day of *May*, 1707, the Cause came on, and was tryed before the Worshipful Sir *John Cooke*, Kt. Doctor of Laws, Official Principal, and Judge of the *Archbishop's*-Court; who having heard the Debates of the learned Council on both Sides, wherein those for the Dutcheſs of *Cleveland* had fully proved, by the Depositions of *Thomas Boucher*, Servant to *Robert Feilding*, Esq; *Constantino Pozzi*, Servant, and *Thomas Florence*, Domestick Chaplain to Count *Gallas*, and Mrs. *Charlotte Henrietta Villers*, &c. every Article of the LIBEL laid against *Robert Feilding*, Esq; he proceeded to give Sentence, (which out of Respect to the Dukes of *Northumberland*, and *Grafton*, and many other Persons of Quality then present, he stood up in his Seat and read openly) as follows, viz.

Univerſis

Universis & Singulis Christi
Fidelibus.

AD quos literæ nostræ Testimoniales per-
venerint aut quos infrascripta tangunt
seu tangere poterint quomodolibet in fu-
tuum Johannes Cooke, Miles Legum
Doct̃or Almæ Curia Cantuariensis de Ar-
chubus London, Officialis Principalis
legitime Constitutus, Salutem in Domino
sempiternam ac fidem indubiam presen-
tibus adhiberi, ad Universitatis vestrae
notitiam deducimus ac deduci volumus,
per presentes quod scrutato Registro Al-
mæ Curia Cantuariensis de Archubus
prædict̃ in Archivis ejusdem bene & fi-
deliter custoditis (inter alia in eodem
contenta) comperimus luculenter & in-
venimus ac etiam Notum facimus quod
proximo die juridico post Festum Ascen-
sionis Domini nostri scilicet Vicesimo ter-
tio die Mensis Maij Anno Domini Mille-
simo Septingentesimo Septimo, Lecta lata
& promulgata fuit per nos Sententia
definitiva

*definitiva in scriptis concepta sub tenore
verborum sequentium, viz.*

IN DEI NOMINE AMEN,
*Auditis, visis, & intellectis, ac plenariè &
 maturè discussis per nos Johannem
 Cooke, Militem Legum Doctorem Almæ
 Curie Cantuariensis de Archibus Lon-
 don Officiale Principalem legitime Con-
 stitutum meritis & circumstantiis cuius-
 dam causæ nullitatis Matrimonij ratione
 prioris Matrimonij quæ coram nobis in
 judicio inter Nobilissimam Fæminam Do-
 minam Barbaram Ducissam de Cleave-
 land, partem agentem & querelantem ex
 unâ; & Robertum Feilding, Armigerum
 Parochiæ St. Jacobi vel St. Martini in
 Campis in Comitatu Middlesexiæ partem
 ream & querelatam partibus ex alterâ
 vertitur & pendet indecisa ritè & legi-
 timè procedentes partibusque prædictis
 per earum respectivè Procuratores coram
 nobis in judicio legitimè comparentibus
 parteque dictæ Nobilissimæ fæminæ Do-
 mine Barbaræ Ducissæ de Cleaveland,
 Sententiam fieri & Justitiam fieri pro
 parte una parte vero memorati Roberti
 Feilding,*

Feilding, Armigeri, Jusitiam etiam pro parte suâ instantèr respectivè postulanti-
bus & petentibus Rimatoque primitus per nos toto & integro Processu alias coram nobis in hujusmodi causa habito & factò eoque diligentèr recensito Servatisque per nos de jure in hac parte servandis ad nostræ sententiæ definitivæ sive nostræ finalis Decreti prolationem in hac causâ ferend sic duximus procedendum fore & procedimus in hunc qui sequitur modum Quia per Acta inactitata, deducta, allegata, exhibita, proposita, probata pariter & confessata in hujusmodi causa comperimus luculenter & invenimus partem antedictæ Nobilissimæ Faminæ Domine Barbaræ Ducissæ de Cleaveland, intentionem suam in quodam Libello aliisque propositis & exhibitis ex parte suâ in hac causâ datis exhibitis & admissis penesque Registrum hujus curiæ remanentibus deductam (quem quidem Libellum cæteraque proposita & exhibita pro his lectis & insertis habemus & haberi volumus) sufficientèr & ad plenum quoad infra promuntianda fundasse & probasse Nihilque effectuale
ex

ex parte autem partem dicti Roberti Feilding, Armigeri fuisse aut esse in hac causa exceptum deductum allegatum exhibitum propositum probatum aut confessatum quod intentionem partis dictæ Nobilissimæ feminae Dominae Barbaræ Ducissæ de Cleaveland, quoad inferius promittenda elideret seu quomodolibet enervaret Idcirco nos Johannes Cooke miles legum Doctor index antedictus Christi nomine primitus invocato ac ipsum solum Deum oculis nostris præponentes & habentes deque & cum consilio jurisperitorum cum quibus in hac parte communicavimus maturieque deliberavimus prænominatum Robertum Feilding, Armigerum & quandam Mariam Wadsworth, in processu in hac causa mentionatam ab omni Contractu Matrimoniali seu sponsalitico (quantum nobis constat) liberos & immunes nono die Mensis Novembris Anno Domini Millesimo Septingentesimo Quinto & loco in hac causa libellato Matrimonium inter sese contraxisse illudque Matrimonium solemnizasse vel solemnizari procurasse idemque per carnalem copulam consumasse dictumque

dictumque Robertum Feilding, Armigerum eandemque Mariam Wadsworth, fuisse & esse Virum & Uxorem proque dicto Matrimonio ad omnem juris effectum pronunciamus decernimus & declaramus præfatumque Robertum Feilding, Armigerum post & citra solemnizationem & consummationem Matrimonij prædicti Dei timorem præ Oculis suis non habentem vicesimo quinto die Mensis Novembris, Anno Domini Millesimo Septingentesimo Quinto prædicto Matrimonium pretensum cum dicta Nobilissima Femina Domina Barbara Ducissa de Cleaveland, contraxisse ac Matrimonium pretensum seu potius Effigiem Matrimonij inter præfatum Robertum Feilding, Armigerum dictamque Nobilissimam feminam Dominam Barbaram Ducissam de Cleaveland, fuisse & esse tempore & loco in hac causa libellatis contractum & solemnizatum seu potius prophatum (dicta Mariam Wadsworth, alias Feilding, Uxore dicti Roberti Feilding, Armigeri tunc & citra inter vivos existent) etiam pronunciamus decernimus & declaramus idemque pretensum Matrimonium

nium seu potius Effigiem Matrimonij inter dictum Robertum Feilding, Armigerum dictamque Nobilissimam feminam Dominam Barbaram Ducissam de Cleaveland, sic ut prefertur contractum & solemnizatum seu potius propbanatum ratione prioris Matrimonij inter dictum Robertum Feilding, Armigerum & prefatam Mariam Wadsworth, solemnizati & consummati fuisse & esse ab initio nullum & de jure prorsus invalidum viribusque & effectu juris caruisse & cedere debere proque nullo & invalido ab initio ad omnem juris effectum pronunciamus decernimus & declaramus prefatam igitur Nobilissimam feminam Dominam Barbaram Ducissam de Cleaveland, ab omni vinculo Matrimoniali cum dicto Roberto Feilding, Armigero liberam & immunem fuisse & esse & ad alias Nuptias convolandi libertatem & immunitatem habuisse & habere ad omnem juris effectum pronunciamus decernimus & declaramus per hanc nostram Sententiam definitivam sive hoc nostrum finale Decretum quam sive quod ferimus & promulgamus

SENTENCE. 21

*promulgamus in his scriptis in quorum
omnium & singulorum premissorum
fidem & Testimonium has Literas no-
stras Testimoniales fieri sigillique Almæ
Curie Cantuariensis de Archibus Lon-
don prædictæ appensione communiri &
corrobari fecimus dat Londini Vicesimo
quarto die Mensis Maij Anno Domini
Millesimo Septingentesimo Septimo.*

HENRICUS FARRANT.

Reg. Cur. Pre.

To

To All and Singular the Faithful
of CHRIST,

TO whom these our Letters Testimonial may come, or whom the following do, or may, for the Time to come, in any manner or ways Concern; We Sir *John Cooke*, Kt. Principal, and lawfully constituted Official Principal of the Court of the *Arches* of *Canterbury*, *London*, send Health for ever, and requiring entire Credit to be given to these Presents. To you all we make known, and would have known, by these Presents, That having search'd and examin'd the Register of the Court of the *Arches* of *Canterbury* aforesaid, well and faithfully preserv'd and kept in the *Archives* of the same (among others there's this contain'd in the same) have carefully and diligently found, and discover'd, and also make known, That on the next Court Day after the Feast of the Ascension of our Lord, viz. the 23d Day
of

SENTENCE. 23

of *May*, in the Year of our Lord 1707, was read, pass'd, and promulgated, by us a definitive Sentence, discovering in Writing in the Words following.

IN THE NAME OF GOD,
AMEN. The Merits of a certain Cause of the Nullity of a Marriage, by reason of a former Marriage, being heard, seen and understood, and plainly and maturely discuss'd by us Sir *John Cooke*, Knt. Doctor of Laws, Official Principal of the Arches Court of *Canterbury* lawfully appointed; which being before us in Judgment between the most Noble Lady *BARBARA* Dutcheſs of *Cleaveland*, the Party acting and complaining on the one Part; and *Robert Feilding*, of the Parish of *St. James's*, or *St. Martins in the Fields* in the County of *Middlesex*, Esq; the Party Guilty, complain'd of on the other Part, depending undecided, we rightly and lawfully proceeding. And the aforesaid Parties lawfully appearing before us in Court by their respective Proctors, and requiring and asking Sentence

tence to be pronounced on the Part of the said most Noble Lady *Barbara* Dutchess of *Cleaveland*, and Justice to be done on her Part : But on the Part of the afore-mentioned *Robert Feilding*, Esq; instantly and respectively requiring and desiring Justice to be done also for his Part ; and having previously and thoroughly examin'd the whole and entire Process before us, had, done, and carefully look'd into this Cause: And with Reservation of all those things which according to Law ought to be reserv'd by us on this Part, to the pronouncing our definitive Sentence or final Decree in this Cause to be pronounced, we think it proper to proceed in this manner, and do proceed in the following manner ; because by the Matters deducted, alledged, exhibited, propounded, proved, and also confessed in this Cause, we thoroughly find and discover on the Part of the aforesaid most Noble Lady *Barbara* Dutchess of *Cleaveland*, her Pretensions being set forth in a certain Libel ; and by other Matters propounded and exhibited on her Part in
this

this Cause, given, exhibited, and admitted, and remaining in the Hands of the Register of this Court (which said Libel and other Matters propounded and exhibited, being here read and inserted, we have allow'd, and will have it to be allow'd) have given sufficiently, and to the full, and to have founded as to what shall be below pronounced. And nothing material from or by the Part of the said *Robert Feilding*, Esq; was or is in this Cause excepted, deducted, alledg'd, exhibited, propounded, proved, and confess'd, that could destroy or weaken the Intention on the Part of the said most noble Lady *Barbara Dutchess of Cleaveland*, in regard of what is hereafter to be pronounced. Therefore we *Sir John Cooke*, Knt. Doctor of Laws, and aforesaid Judge, having first invok'd the Name of Christ, and having God before our Eyes, by and with the Advice of Counsel, with whom we have maturely communicated and consulted in this Part, the aforesaid *Robert Feilding*, Esq; and *Mary Wadsworth*, a certain Person mentioned in

E

the

the Proceſs in this Cauſe, free from all Matrimonial Contracts, or Promise as much as in us lies on the 9th Day of *November*, in the Year 1705, and in the place *Libellated* in this Cauſe, to have contracted Marriage between each other, and to have Solemniz'd, or procur'd to be Solemniz'd that Marriage, and the ſame to have Consummated by Carnal Copulation ; and the ſaid *Robert Feilding*, Eſq; the ſaid *Mary Wadſworth*, were and are Man and Wife ; and we pronounce and declare for the ſaid Marriage to all Effects in Law. And the ſaid *Robert Feilding*, Eſq; after and ſince the Solemnization and Consummation of this his aforeſaid Marriage, not having the Fear of God before his Eyes, on the 25th Day of *November*, 1705, affected to have Contracted a pretended Marriage with the ſaid moſt Noble Lady *Earbara Dutcheſs of Cleaveland*, at the Time and Place in this Cauſe *Libellated*, Contracted, and Solemniz'd, or rather profan'd, the ſaid *Mary Wadſworth* alias *Feilding*, the Wife of the ſaid *Robert Feilding*, Eſq; then and ſince being

being living. We also pronounce, decree, and declare, the said pretended Marriage, or rather show of Marriage, between the said *Robert Feilding*, Esq; and the said most Noble Lady *Barbara Dutchess of Cleaveland*, to be offer'd, contracted, solemniz'd, or rather prophan'd, by Reason of a firm Marriage between the said *Robert Feilding*, Esq; and the said *Mary Wadsworth*, Solemniz'd and Consummated, was, and is, from the beginning Null, and according to Law altogether invalid, and wanted the Force and Establishment of Law, and ought to be esteem'd, and we pronounce it for null, and void, from the beginning, by Law. Therefore the foresaid most Noble Lady *Barbara Dutchess of Cleaveland*, from all matrimonial Tyes with the said *Robert Feilding*, Esq; was, and is, free, and to have free Liberty to Marry again; and we also pronounce and declare to all Effects of Law, by this our *Definitive Sentence* or final *Decree*, which we have done and promulgated in these Writings. In Proof and Witness of all and singular the Promises, we have caused to be made

these our Letters Testimonial to be made, and Seal'd with the Seal of the Arches-Court of *Canterbury, London,* *aforesaid.*

Given *London* 24th
of *May,* 1707.

HENRY FARRANT,
Register of the foresaid Court.

Mr. *Feilding* did renounce all Benefit of Appeal from this Sentence, Mr. *Willymot* his Proctor producing in Court, a Letter he had sometime before received, of the Tenor following, *viz.*

Mr. *Willymot,*

When Sentence is given in behalf of the Dutchess of Cleaveland, pray enter no Instrument of Appeal, for I shall proceed no farther therein.

Your Friend and humble Servant,

FEILDING.

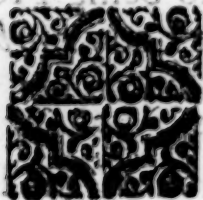
This

SENTENCE. 29

This Letter being attested to be of the proper Hand-writing of the said Mr. *Feilding*, Mr. *Willymot* farther alledg'd, that no Appeal from the Definitive Sentence, given on the part and behalf of the most noble Lady *Barbara* Dutcheſs of *Cleaveland*, had been, or was interpoſed by or on the behalf of *Robert Feilding*, Eſq; and that he, as Proctor of the ſaid *Robert Feilding*, Eſq; did renounce all Benefit of Appeal from the ſaid Sentence, in the Prefence of Mr. *Cooke*, who being Proctor for the ſaid moſt Noble Lady *Barbara* Dutcheſs of *Cleaveland*, did on her part and behalf, accept the aforeſaid Allegation, and Renunciation of the ſaid *Willymot*; and then alſo prayed, that the *Gold Ring*, and *Seven Letters* by him exhibited on the part of her Grace, and annexed to the *Libel* in this Cauſe, might be delivered out of the principal Registry of this Court, for the Uſe of her Grace; which Petition, Sir *John Cooke* readily granted; and decreed, the ſaid *Gold Ring*, and *Se-*

30 Sir John Cooke's Sentence.

ven Letters, to be delivered to the most noble Lady *Barbara* Dutcheſs of *Cleaveland*, or to Mr. *Cooke* her Proctor, which was accordingly performed.



THE



THE
C A S E
O F

Sir George Downing, Bart.
and Mrs. Mary Forester.

A Bill of Divorce was lately brought into the House of Lords, on the behalf of Sir George Downing, Bart. and Mrs. Mary Forester, upon the joint Petition of each Party.

The C A S E.

Ist. G. D. Without the Knowledge and
Consent of his Father (then alive, but
E 4 accounted

22 Sir George Downing, Bart.

accounted not of sound Judgment) was, at the Age of Fifteen, by the Procurement and Persuasion of those in whose Keeping he was, Marry'd, according to the Church Form, to M. F. of the Age of Thirteen.

II. This young Couple was put to Bed, in the Day time, according to Custom, and continu'd there a little while, but in the Presence of the Company, who all testify they touch'd not one the other; and after that, they came together no more; the young Gentleman going immediately Abroad, the young Woman continuing with her Parents.

III. G. D. after Three or Four Years Travel, return'd home to England, and being sollicit'd to live with his lawful Wife, refus'd it, and frequently and publicly declar'd, he never would compleat the Marriage.

IV. Fourteen Years have pass'd since this Marriage-Ceremony was perform'd; and each Party having (as is natural to think)

think) contracted an incurable Aversion to each the other, is very desirous to be set at liberty; and accordingly Application is made to the Legislative Power, to dissolve this Marriage, and to give each Party leave, if they think fit, to Marry elsewhere.

On Tuesday May 5. 1715. the Merit of this *Bill* was brought to a Hearing before the *Peers*, (his Royal Highness the Prince of *Wales* being present) who after a strenuous Debate of near Three Hours long, gave their Determination against it, and rejected the Petition; being only carried by a Majority of Two Voices, *No's* 49, *Yeas* 47.

The Reasons against such Dissolution, are,

First, That each Party was Consenting to the Marriage, and was Old enough to give such Consent, according to the known Laws of the Kingdom; the Male being Fifteen Years Old, the Female Thirteen; whereas the Years of
Con-

34 *Sir George Downing, Bart.*

Consent are, by Law, Fourteen and Twelve.

Secondly, They were actually Marry'd according to the Form prescrib'd by the *Church of England*; the Minister pronouncing those Solemn Words us'd by our Saviour, *Those whom God has join'd, let no Man put asunder*. They are therefore Man and Wife both by the Laws of God and of the Land; and since nothing but *Adultery* can dissolve a Marriage, and no *Adultery* is pretended here, the Marriage continues indissoluble.

Notwithstanding the Procedure of this Venerable Body, some * Reasons have been publicly offer'd (as is suppos'd, by a Right Reverend Dignitary of the Church) in *Bar* of their Lordships Decision, which tho' not able to accomplish the desir'd Effect, yet it is thought they will not be unacceptable to any Curious Reader.

* *The Cancellor's Plea for the Divorce of Sir G. D. and Mrs. F. Printed for R. Burleigh in Amen-Corner.*

The

The Gentleman, whoever he be, has given his Opinion with great *Modesty*, tho' at the same time he speaks his Mind in this Matter *freely*; all he desires is, that we would not yield entirely to *Authority*, where we are able to hear *Reason*, and to judge for our selves: But lest I should wrong him by any *Relation* of mine, take his Sentiments of this nice Case in his own Words, *viz.* "It is alledg'd, that a
"Marriage that was once good and valid, is for ever after that *indissoluble*,
"unless in the Case of *Adultery*. I wonder, by the way, how they came
"to except the Case of *Adultery*; for tho' our blessed Saviour has excepted
"the Case of *Adultery*, yet the *Latin*
"Fathers, together with the Rabble of
"Schoolmen and Commentators, have
"almost all to a Man, deny'd the Innocent Party the liberty of Marrying again, altho' Divorc'd from an
"Adulterous Partner; and I would fain know how much a *Divorce* is worth
"above Six-Pence, without leave to
"Marry again, if the injur'd Party
"pleases?

36 Sir George Downing, *Bart.*

“ pleases? I only mention this, to shew
“ how far the Reverence of great Names
“ may carry those who will be led
“ tamely by them, and will not use
“ the Reason and good Sense which
“ God has given them.

“ A Marriage we are told, is good,
“ where the Parties concern'd were at
“ Age, and Liberty to Consent, and
“ actually Consented, and were actually
“ Marry'd by the Form prescrib'd in
“ the Book of *Common-Prayer*. And
“ such a Marriage, we are also told, is
“ *indissoluble* by the Law of God. I
“ take it for granted, that the Man
“ now concern'd was Fifteen Years of
“ Age, and the Woman Thirteen,
“ which are Years of Consent by the
“ Laws of the Land; and that they
“ were actually marry'd by the pre-
“ scrib'd Form. But I deny that the
“ Marriage is therefore *indissoluble*, by
“ the Legislative Power of the Land,
“ and that for many Reasons.

“ The Years of Consent are not
“ fix'd to Fourteen or Fifteen, either
“ by Nature, Reason, or any Law of
“ God;

“ God; but purely and meerly by the
“ positive Laws of the Land, which
“ may change them, and no Man
“ would be dissatisfied; it seems so
“ senseless and unreasonable to give our
“ Children the Power of disposing of
“ their *Persons* for ever, at an Age
“ when we will not let them dispose of
“ Five Shillings, without Direction and
“ Advice.

“ This young Couple came together
“ to Contract and to Consent to Mar-
“ riage, without so much as knowing
“ what it was they were to Bargain
“ and Contract for: They consented
“ to give the Use and the Dominion of
“ their Bodies each to the other, as
“ long as they both should live, with-
“ out so much as understanding what
“ they meant when they said so; with-
“ out so much as an Ability of making
“ good their Promises and Engagements;
“ and this Consent the Church, it seems,
“ insists upon, and declares that a Pro-
“ mise made in such a solemn manner
“ can never be retracted or dissolv'd.

“ I in-

38 Sir George Downing, *Bart.*

“ I intend not to say one Word a-
 “ gainst the Dignity of Marriage ; but
 “ I do not think that the Solemnity of
 “ Words, of Place, and Company, in
 “ which a Contract is made, adds any
 “ Strength or Virtue to such Contract,
 “ or makes it more obliging. Let us
 “ now consider the present Contract in
 “ it self ; I will grant every thing that
 “ can be granted ; I grant that by the
 “ Laws of God, nothing can dissolve a
 “ Compleat Marriage but Adultery :
 “ And I grant, that no Adultery is pre-
 “ tended in this Case ; but I deny that
 “ the Marriage is therefore *indissoluble*,
 “ it being not a *complete* Marriage by
 “ the Laws of God, because it never
 “ was *Consummated*.
 “ The End of this Holy Institution
 “ is the Pleasures of the Nuptial-Bed ;
 “ this is the Purpose of God in making
 “ them Male and Female ; this is the
 “ only Way, of their becoming One
 “ Flesh : And therefore, till the End is
 “ answer'd, Marriage is not perfect
 “ and compleat. It may be urged, in
 “ the Case before us, there is now no
 “ defect

and Mrs. Forester's Case. 39

“ defect of *Power*, no *Impotence*, or
“ *Inability* to compleat the Marriage
“ pretended, but want of *Will*. I
“ own it, and assert from this Position,
“ That a Marriage not consummated,
“ is not *indissoluble* by the Laws of
“ God; and that *an utter Aversion* to
“ the Consummation of Marriage, in
“ both Parties, is as good a Reason for
“ a Divorce, as an *Inability* in *one*
“ *Party*, which never fails of procu-
“ ring a Divorce. In the one Case, the
“ Parties are each of them untouch'd,
“ pure, and unfully'd, even in
“ Thought; whilst in the other, there
“ must pass such Things, as I have not
“ *Will* to mention; and yet a Divorce
“ follows of course. Had *Consumma-*
“ *tion* follow'd this *Marriage*, any
“ Time within these Fourteen Years,
“ there had been no Room to hope for
“ *Relief*. But when the Persons are as
“ pure from each the other, as they
“ were when Born, they might have
“ some Hopes of being deliver'd from
“ the Chains, which the Laws of their
“ Countrey only, have bound them
“ with. This

40 *Sir George Downing's Case.*

This is the Substance of what our Anonymous Author has deliver'd; as for those, whose Curiosity leads them farther into the Dispute, I refer them to the *Plea* it self before-cited, wherein they will find all that can be said upon this Subject very learnedly discuss'd; and as for the unhappy Pair, it remains only, that they should make themselves as Easy as possible in a Seperate Marriage State, since they have been refus'd that Relief which they so unanimously fought after.

T H E



THE
C A S E

OF

John Dormer, *Esq;*



THE HISTORY OF

THE
CITY OF
NEW YORK

FROM 1624 TO 1898

BY JOHN DORMER, ESQ.



THE
C A S E
O F

John Dormer, Esq;

IN Matters of Incontinence and Adultery, few or no Examples are to be found, so impious in their Nature, and so flagrant in their Circumstances, as that which is now to be submitted to the Reader's Perusal. 'Tis true indeed, that History abounds with Relations of Libidinous and Profligate Women, and the Reverence that is due to the Fair Sex, does not make it Criminal for any one to say, That the Ladies are

F 2

subjected

subjected to the Infirmities of Nature, as well as the Men. But then these vicious Inclinations were owing to want of Indulgence, in those they had been join'd with in Wedlock, or arose from involuntary Marriages, such as were either forced upon them by rigid and austere Parents; or they were unhappily trick'd into by corrupt Guardians and Match-makers.

This was so far from being the Case of the Adulterous Lady, that is the melancholy Subject of the following Narrative, that there is not the least Room for any Thing like a favourable Construction of her Procedure, whether we consider her Ingratitude to so good a Husband as Mr. *Dormer*, who rais'd her from a very low Degree of Life, to the Dignity of a Woman of Condition; or the scandalous Manner of her Prostitution to one of her most inferior Servants, from whom she met with a Treatment suitable to so detestable a Familiarity between a Footman, that dar'd to commit the vilest Acts of Lewdness with his Master's Wife, while

John Dormer, *Esq*; 43

while he wore her Husband's Livery on his Back, and a Wretch of an Adulteress, who had continued upon a Level almost with that Villain, she gave herself up to an Intemperance of Lust with, had not a Person of one of the best Families in *England*, a Gentleman of Wealth, of Honour, of a free and generous Education; of a sweet and winning Aspect; a gentle and easy Deportment; of a brisk and sparkling Nature, made her to be his Equal by raising her to the same Pitch of Greatness with himself.

Such was the good, the just, the much abus'd Mr. *Dormer*, who to shew his Wisdom in the Choice of a Wife, prefer'd Beauty, good Humour, and a suppos'd Innocence, to the Baits and Allurements of Money, by which the generality of Mankind run themselves into Inquietudes of Life, in too greedy a Pursuit of it, and made it his Option rather to make the Partner of his Bed dependant on him, from her want of a large and sumptuous Fortune, than

to have an Opportunity of upbraiding him, with what she brought in Money, Land, &c. and by those Means attempt to be his Superior.

There was no Wonder that the Proposal of Marriage was accepted by a Woman of her abject State of Life, when it came from a Man possess'd of every good Qualification, either as to Person, Estate, or most uncommon Endowments and Perfections of Mind. What gives Occasion for Wonder is, That she could not have a Reciprocal Affection for one she was so much engag'd to, not only for his Condescension in preferring her to others of the same Sex, who had the Recommendation of Birth and Fortune, but lov'd her almost to Distraction and Doatage; especially, since the Fellow she was so prodigal of her Favours to, was the very Reverse of that most adorable, most kind, and most indulgent of Husbands.

If Mr. Dormer was of high and generous Extraction, Thomas Jones deriv'd

riv'd his Birth from the Dregs of the Populace; if the one was engaging in his Address, the other was provoking in his Behaviour. In a Word, if the Master was most acceptable for the Comeliness of his Person, the Beauties of his Mind, and the Affability of his Temper: The Servant was distinguishable for his Deformity of Body and Soul, being neither possess'd of one good Feature, in the one, nor one Quality fit to be born with, in the other; Such was the Husband, such the Gallant.

Nor would the First, notwithstanding frequent Intimations from his Friends and Domesticks, of the Violation of his Wife's Nuptial Vows, with such a Scoundrel as her own Footman, give Credit to what was said of them, till they grew so barefac'd and open in their Wickedness, that he would have been a Reproach to his Neighbours, as well as his own Family, had not he after several Admonitions to the one to return to her Duty, and Commands to the other to quit his Service; repudia-

red the First, and endeavour'd to make the Last severely Smart for the Injuries he had done him: Since his Character would have been farther expos'd by cohabiting with so Infamous a Creature, who contrary to all Human and Divine Laws, had so scandalously abus'd him; and suffering such a base Proletarian as *Jones* to triumph over the Misfortunes of his Bed.

He therefore, by Advice of Council Learned in the Law, brought his Action against the Footman for 1000*l.* Damage, which in some Time came to a Hearing at the *King's Bench-Bar, Westminster*, before the Lord Chief-Justice *Parker*. The Declaration being in *English* as follows.

Hillary-

Hilary-Term, in the First Year
of the Reign of King GEORGE.

T Thomas Jones, late of the Parish
of St. James's, Westminster, in
the County of Middlesex, Yeoman,
was summoned to answer to
John Dormer, Esq; in a Plea of
Trespas, upon the Case, for in-
sulting by Force and Arms, Diana,
the Wife of the aforesaid John
Dormer of the Parish and County
aforesaid, and Beating, Wound-
ing, and Ill-using the said Diana,
so that her Life was dispaired of ;
by which means the said John
Dormer was deprived of the Com-
fort and Happiness of his Wife
for a long time ; viz. for the Space
of three Years then next following,
and committed many other Enor-
mities to the said Diana, to the
great Damage of the said John
Dormer, and against the Peace of

48 *The CASE of*

Our Sovereign Lord the King,
&c. Whereupon the said John
Dormer, by George Tilden his At-
torney, complaineth, That the
aforesaid Thomas Jones did on the
first Day of October, in the Tenth
Year of the Reign of our late
most Gracious Sovereign Queen
Anne, insult the said Diana, of
the Parish and County aforesaid,
with Swords, Clubs, and Knives,
and Beat, Wounded, and ill used
the said Diana, so that her Life
was dispaired of; by which
means the said John Dormer, alto-
gether lost the Society and Com-
fort of his Wife for a long time,
viz. for the Space of three Years
then next following, and com-
mitted other Enormities, &c. to
the great Damage, &c. and
against the Peace, &c. Where-
upon the said John Dormer is dam-
nified to the Value of Ten Thou-
sand Pounds; and thereupon he
brings his Action, &c.

The

The Council for the Plaintiff were, *Nicholas Lechmere, Esq*; Solicitor-General; Sir *Francis Page*, Serjeant at Law, and Mr. *Denton*. For the Defendant, Mr. *Fortescue*, Mr. Serjeant *Darnell*, and Mr. *Kettilby*.

The first Witness that was produced was a Woman, who being ask'd, by the Solicitor-General, what Familiarities and Indecencies she had seen committed between her Mistress and the Defendant, said, That coming into the Parlour hastily, she saw the Defendant kissing her Mistress, with his Arm round her Neck, at which she was perfectly amaz'd, fell almost into a Swoon, and could hardly believe her Eyes.

The Second Witness being ask'd the same Question, answer'd, She saw her Mistress leaning upon the Window, and the Defendant's Hand upon her Hip.

A Third depos'd, That one *Charles*, another Foot-man, and the Defendant were Fighting, and it reaching her Lady's Ears, she came in a great fright, and desiring the Servants to part them, and fearing least the Defendant should be abus'd, she Swoon'd away, and was carried between Two Persons into her Room, but after hearing the Defendant was like to have the better of it, she said, let him beat the other stoutly.

The Youth was the Groom, who averr'd his Master's House was Two or Three Miles from the Post-house, and that every Post-day the Servants took their turns to fetch the Letters; and it falling to the Defendant's turn, he saddled the Horse as usual; soon after which the Defendant came in, and swore he would have the other Horse which was sick and covered with a Body-cloath, the Groom deny'd him, the Defendant swore he would

John Dormer, *Esq*; 51

would beat him, and gave him opprobrious Language, but at last acquiesc'd and took the Horse that was Saddled.

The Lady was soon acquainted with this Matter, and the next Morning she came with the Nurse and Child into the Stable, and order'd the Groom to set the Child upon the Horse, and being at a convenient distance, she reprimanded him very severely, and told him, if he ever dar'd to deny *Tom* a Horse again, he should tye him to a Post, and whip him as long as he could stand over him.

The next Witness was her Gentlewoman, who having observ'd very great Indecencies between them, took an Opportunity to acquaint her she design'd to leave her Service on the Morrow, and desired her to look over her Rooms, that every thing was in the same condition she found it; the Lady admiring at her abrupt Departure, she
answer'd,

answer'd, She did not think any Woman worthy to be her Lady, who made her self so familiar with her Foot-boy. Being desir'd to be a little more particular, and press'd home by the Council, she said that going through one of the Rooms; she heard a Bustle and a Noise near or upon the Bed, and listned to it some time, and in a little while after, she saw the Defendant going from the Bed, and her Mistress running after him; her Curiosity did not lead her so far as to go to the Bed afterwards, or she might without doubt have seen it ruffled and disorder'd; or had she pursued the Noise immediately upon the first hearing, she might in all likelihood have surpriz'd them in the very Fact.

Another Witness depos'd, That coming from Market she was call'd up and told by her Master, it was her Mistress's Pleasure she should be gone instantly, *Tom Jones's* Niece being sent for and put into her Place; the Woman

man told her she knew very well the occasion of her Departure, and had found every day fresh Marks of her Displeasure from that very Hour she had seen *Tom* and her together.

Another swore, she saw *Tom* and her Mistress in the *Sweatmeat* Closet, and was ask'd by her, if he lik'd any thing there, if he did, it was at his Service, and several times when there was Company in the Parlour, she gave Orders that *Tom* shou'd have a Glass given him.

After this several Persons were called, who gave an Account, that they were shut up together several Hours every Day; *Tom* did every thing, even deliver'd out her foul Linnen, carry'd up Water to make Tea, drank Tea with her, whereas no Man-servant ever before dar'd to set his Foot in the Room, but always deliver'd his Message at the Door; and when any of the Women came accidentally into the
Room,

Room, the Fellow would either be running out another way, or stirring the Fire, or be doing some little trifling Act or other, as an Excuse for his being there; nay, she descended so low, and demean'd her self so far, as to make the Fire her self for the sake of Privacy.

The Lady was now in Child-bed, and dispatch'd a Messenger to him, (for he had been discharg'd some time before) to acquaint him with it, her Husband's Fondness and Indulgence would not let him be long absent; he long'd to see how she did, but was deny'd by her in some Heat, that it was immodest, indecent, and not to be allow'd; but *Tom* was admitted the same Day, and sat several Hours upon the Bed; nay, in her very Pangs she mention'd his Name, *Poor Tom will miss me in my Absence*; and pointing to one of her Servants, *Betty, You must be kind to Tom*; and to the Nurse, *Good Nurse, carry Tom some Caudle*. He

was

was now grown insupportably Impudent, and the Lady felt the severe Effects of it: What could one expect better from one who has not the least Spark of Gratitude, or Sense of Honour in him; his Person very homely, a short, thick, squat Fellow. The Lady heard a Noise among the Servants, and came to see what was the matter, (thinking, I presume, *Tom* was abus'd;) she no sooner came into the Room, but *Tom* ask'd her what had she to do here? go and mind your Business, and sit in the Parlour; snatches the Candle out of her Hand, and gave her a Thrust, so that she was forc'd to go down a Back-stairs, without any Light or Person to attend her.

He sometime after sent her a Letter for some Money; the Lady sent word by the Messenger, *She was afraid she could not be so fortunate as to answer his Expectations in that particular, but hop'd she should be so happy as to see him that Evening:*
The

The Spark came, and after they were together some Time, a Servant-Maid was going by, and heard a violent Blow given, attended with a dismal Shriek, she open'd the Door, and saw her Mistress all in Tears, holding her Hand on her Bosom, crying out, She was murder'd by the Violence of the Blow the Villain had given her on her Breast: He had the Impudence to come again the next Day notwithstanding; the Lady cou'd forgive him, expostulated with him, and gently upbraid him for his Cruelty: O, Tom! *how could you be so unkind to use me at this Rate!* To which he answer'd, "Damn it, I am a passionate Dog, I am sorry for it."

When the Family was in Town, he had the Assurance to frequent the Chappel where she went, and always got into the Seat before hers, wou'd use the greatest Incivilities, make Mouths at her, and spit upon her, insomuch, that the Pew-keeper hath often observ'd

serv'd her to tremble at his coming into the Seat, and frequently drop her Book with Confusion ; the Reader had often observ'd his Behaviour, and after Church was over, look'd into the Pew, and saw a great quantity of Spittle all over the Seat.

Another Witness swore positively, he heard the Defendant say, Mr. D—— is a Cuckold, I have lay'd with his Wife several Times.

The Child that was last born died soon after, and *Tom* was very careful and industrious in ordering his Funeral, came to the Sexton several Times, and gave particular Orders in what part of the Vault it shou'd be laid ; and when it was brought, the Bearers carried it down hastily, *Tom* reprimanded them for it, saying, Carry the Child down like a Christian, and not ride post with it ; the Nurse acquainted the Mistress with it, who answer'd, Poor *Tom* lov'd mine and his
own

own Child very well ; which was a plain Confession.

Tom had the Impudence to knock at the Plantiff's Windows, singing, *Cuck-olds all a Row, My Lord-Mayor is coming*, the Servants ran out, and soon perceiv'd who it was ; the Steward inform'd his Mistress of *Tom's* Proceedings, that My Lord O——, Mrs. H—— and Mrs. C—— Family look'd all out of their Windows, to which she answer'd, *Tom* is not a Lord or an Earl, if he was, Mrs. H—— would have taken him in, and not suffer'd him to be mobb'd.

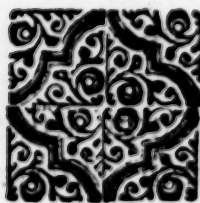
All the Servants were ask'd concerning the Behaviour of the Plantiff, and how little he deserv'd this Usage, who said, He was the best of Masters and the best of Husbands, and when ever she came home from visiting, would take her up in his Arms, and call her his Life, his Angel, with several other endearing Expressions.

This

This was the Substance of the Evidence, which was summ'd up with admirable Clearness and Judgment, with a becoming Sharpness against such wicked Doings, that it was the highest Affront could be offer'd to a Man, an irreparable Injury, and so it was left to the Jury, Persons of great Note and Distinction, Sir *Thomas Cross* being the Foreman, who withdrew, and in a short Time return'd, and gave the Plaintiff 5000*l.* Damages. But *Jones* slipp'd out of Court before the Verdict, and got into the *Mint*, where he continues to abscond.

Mr. *Dormer* is now suing to obtain a Divorce, *à vinculo Matrimonii*, in *Dolors-Commons*; and the Lady that has injur'd him in his Honour, for the *Restitution of Conjugal Rights*, the Court having allow'd Her, during the Dependance of the Suit 300*l.* *per Annum*, which is too much by the whole Sum for the Maintenance of so ungrateful
and

and infamous a Creature. Tho' 'tis
hop'd her injur'd Husband will obtain
a Dissolution of his Marriage, after a
fair Hearing, and be thereby enabled
to have Justice done him in the Em-
braces of a truly affectionate Con-
sort.



THE
JUDGMENTS

Of the most

EMINENT DIVINES

CONCERNING

The Dissolution of Marriage.

THE
JUDGMENTS
Of the most
Eminent DIVINES
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The Dissolution of Marriage.



*The Judgment of PHILIP
MELANCTHON, upon Divorces
on account of Impotence.*

PERSONS who are unfit for conjugal Copulation, are by no means Man and Wife, but when the Frigidity is made apparent, a Judge may pronounce those Persons unmarried. Neither is the Divorce then made, because it never was a Marriage according to what is said in *Matth. 19*. But a Declaration only is then made, that others may know, that such a Society of two Persons is not a Marriage; and that the Person who has the Powers of Nature entire, is allowed to enter into another lawful and more happy Union. But the Laws appoint the Time for the discovery of Frigidity, if the Matter is doubtful, and forbids a Separation for three Years. They give the same Decision upon those whose Constitution is so infeebl'd by Witchcraft or Charms, as to be incurable by the help
B of

of Physic ; if the success of Medicines have been tryed thro' the Course of three Years together without Effect.

But so great is the Modesty of some Women, as to conceal the Impotence of their Husbands ; as in the Sister of the learned *Simon Gryneus* declared, that she after the Death of her first Husband, married again a Virgin Widow, who had been wedded eleven Years to an Impotent Husband ; neither did she ever discover the Case till after the Death of her Husband. Thus far *Melancthon*, on the Head of Matrimony, which *Pezelius* has inserted in his Explanation of *Melancthon* ; and added this Remark to them. Of Impotence, there is one Sort natural, and another accidental. The Natural is, when by Nature one is incapacitated for Conjugal Commixture. Accidental, when he is castrated, or disabled by Witchcraft, or Poison. Again, that which arises from evil Arts, either is curable by Medicine, or perpetual. From these Distinctions the Explanation is taken, or the Question, whether, and how Impotence is the Cause of a Divorce. For there can be no Marriage between Impotent Persons ; because the sufficient and final Cause is wanting. For first, the Person is Potent, was deceived, and married ignorantly an Impotent,
and

and therefore there could be no Consent, which is the efficient Cause of Matrimony. In the second Place, the end of Matrimony is double ; one is the Generation of Children, as it is said, *Increase*, and *Multiply* ; The other End is the avoidance of promiscuous Mixture ; according to that saying, Let every one Marry to avoid Fornication. This is *Pezelius's* explication in his second Part of his Examination of *Melancthon*.

The Judgment of Heningius upon the same Case.

INability of Body for the use of Matrimony is a Cause of Divorce ; and Men are sometimes by Charms and evil Arts so disabled, as to be incurable. But there are more Particulars to be examined by the Judge before he gives Sentence of Divorce. First, whether the Impotence was precedent to the Marriage. Secondly, whether it followed it. If it was precedent, the potent Person may be set at Liberty upon suit for a Divorce, for it was not a Marriage, since they did not lawfully consent ; since one of the Parties deceives, the other was mistaken ; the Impotent deceives, the Potent mistakes. Therefore since God neither approves of

B 2

Deceit

Deceit nor Error, it is not to be said that he joined them together. Farther, if the Judge shall find by the Proofs that the Inability is incurable, he shall immediately declare that it was not a Marriage ; but if there be any hopes of Cure, let three Years be appointed, during which Time the Cure must be patiently expected; which if ineffectual, the Judge shall pronounce it was no Marriage.

If the Defect followed after Marriage, and the conjugal Embraces of the Parties, Divorce is by no means allowable ; for an accidental Affliction, if without Fault of the Sufferer, is to be patiently born with in Matrimony. If the one was pre-acquainted with the Infirmary of the other before Marriage, let them be compelled to live together, and perform all other mutual good Offices: For the Person conscious of the others Defect, without doubt designed a Fraud, which Fraud ought not to be of any Advantage to that Party, if he afterwards sue for a Divorce. Thus *Heningius* in his Treatise of Marriage and Divorce.

The Judgment of Polanus, Professor of Divinity in the University of Basil.

SUCH Persons are capacitated for the Marriage-state, as are not Eunuchs, either by Art or Nature; or whose Constitutions are not hurt or impaired by Charms or Witchcraft. For these can in no wise become legal Husbands: Therefore tho' the Nuptials should be solemnized, when the Frigidity of an Eunuch is made apparent by a Tryal of three Years, or if a Cure of the Hurt in Nature be for a whole three Years space in vain attempted, the Judge may pronounce those Persons unmarried. *Polanus in lib. 10. Syntag. c. 53.*

The Judgment of Arcularius, late Professor of Divinity in the Academy of Marspurgh.

AMong Persons who thro' Frigidity or any other defect of Nature are unfit for Matrimonial Commerce; since it is not in such a Case a Marriage, as is attested by our Saviour, *Matth. 19.* a Divorce there may take place. If it happen therefore that any such Person be link'd to another, the Frigidity or defect of Nature being clear, the Judge may pronounce the

the Parties free and unmarried. But to ascertain Frigidity, the Laws prescribe a Space of three Years, especially if the Case be doubtful. The same Judgment reaches those, in whom Nature is so abused and weaken'd by Charms and Witchcraft, that they are thereby render'd unfit for Coition; and have found all the help and application of Physicians ineffectual within the three Years. Thus *Arcularius* in his *Arcus Fæderis*, cap. 28.

The Judgment of Beza, in his Treatise concerning Divorces.

ANY Spousals contracted with Persons labouring under an incurable Palsey, which has totally enervated the Body, by a desperate Frigidity, by a privation of the Genital Parts; or so signal an Hurt there, that a perpetual Inability of Consummation must of necessity follow; are entirely void and insignificant, since they cannot seem to be call'd by God to the State of Matrimony, who, by the bar of a natural Impediment are not able to perform the Duty incumbent by such Contract. Again, tho' the Spousals should be made, and yet the Marriage not yet actually consummated, if a Misfortune of this kind should happen, I am of the Opinion
such

such Spousals, as it were by God's Command, are to be disannull'd; since by throwing that perpetual Impediment, he gives a plain Demonstration that they are not pleasing to him. *Beza* in his Treatise *de Divort. & Repud.* printed at Geneva in 1591.

And *Beza* backs this Doctrine of his with many Testimonies out of the Holy Scriptures: Only, in his 94th Page, he has inserted these two Cautions. First, If the frigid Person shall afterwards recover his Ability, he ought to take back his first Wife, erroneously separated, tho' she should be wedded to another. By the second Caution, it is extreamly well establish'd in Controversies of this kind; least something for Example should be done, that could not afterwards be alter'd without breaking thro' great Difficulties; that three Years should be waited at least from the very Day of Copulation; that is, of taking the Wife, before these Diseases should be adjudg'd incurable, and the Spousals or Marriage pronounc'd void. But this is to be understood entirely in relation to those Defects, which are not evident in themselves: For in other Cases, as where there is no Erection, or a Man, by a deficiency in Nature, wants his Testicles or other Instruments of Generation, to

what purpose is any Pause or limitation of Time.

The Judgment of Zanchius, in his 4th Book De Operibus Dei. c. 3. Who however has not touch'd on Impotence proceeding from Witchcraft.

AS Beza has not, so neither has Zanchius handled the Impotence that is owing to Charms and Witchcrafts; but only informs us, that there are some Cases, in which Marriages that have had the Blessing of the Church, are disannull'd; and then subjoins these Examples: If a Woman be yoak'd to one who was no Man, but an Eunuch, or one who by reason of some perpetual and incurable Distemper upon him, can in no wise perform the Duty of a Husband. Thus says Zanchius in the abovemention'd Place; but he seconds it by no Proofs of Scripture or confirmation of Reason.

*Good Men, yet Friendship at the difference wink,
On the same Thing may differently think.*

DEPOSITIONS taken in the
Case of the Earl of ESSEX,
and the Lady HOWARD.

The Oath taken by the Lady Frances Howard.

THAT since the Earl of *Essex* was
eighteen Years of Age, he and I
have for the space of three Years diverse
and sundry times lain together in naked
Bed all Night. And at sundry of the said
Times the said Earl hath purposely endea-
voured and attempted to consummate Mar-
riage with me, and to have carnal Copu-
lation with me for procreation of Chil-
dren: And I have at such Times, as the
said Earl hath attempted so to do, yielded
my self willing to the same Purpose.
All which notwithstanding, I say and af-
firm upon my Oath, that the said Earl ne-
ver had carnal Copulation with me,

Frances Howard.

Interrogatories administred to all Witnesses (excepting the Earl and Countess of Suffolk) produc'd, and examined on behalf of the Earl of Essex, and who had been produc'd against him on the Part of the Lady Frances Howard, in a Suit brought by the said Lady against the Earl of Essex, for the Nullity of a pretended Marriage.

1. **L**ET each Witness be interrogated, as to his Age, Birth, Condition and place of Abode; and where he has chiefly resided for ten Years last past; and how long he has known the Parties contesting.

2. Whether he is a Relation or Kinsman of the Party on whose behalf he is produc'd; and if so, in what degree of Consanguinity.

3. Which of the Parties, Plaintiff or Defendant, he most favours; with which of them he is most conversant, and to which he would confer the better of the Day, if in his Power.

4. Whether he has communicated to any Body, or any Body has conferr'd with him concerning the Nature and Substance of his Deposition in this Cause: And if he answer in the Affirmative, then let him declare with whom he so conferred and
what

what the Discourse that passed between them.

5. Whether he came of his own accord, or by compulsion to give his Testimony in this Cause.

6. Let him depose what he knows of the Contents in the 4th Article of the Libel put in, in this Cause ; or any Part thereof : And in what Month and Year the Earl of *Essex* attained to the full Age of eighteen Years ; and in what Place and Places the Earl and the Plaintiff for the whole Space of three Years after such Time, had Society of Bed and Board cohabited and lay together ; and for how long together in each distinct Place.

7. Let him likewise depose what he can say to the Contents in the sixth Article of the aforesaid Libel ; and whether he knows what perpetual and incurable Impediment the Earl did and does labour under ; and let him express the Nature and Quality thereof, and when he knew it ; and let him give the Causes of such his Knowledge in every Circumstance.

8. Let him depose likewise what he can say to the Contents in the 10th Article of the said Libel : And of the Time and Place, and how often and before whom
the

the Earl confessed and acknowledged as in the said Article is contained and specified.

Depositions, upon the Articles of the Libel put in by the Lady Frances Howard, taken June 2. 1613.

Katherine Finies, Daughter of Thomas Lord Clinton, aged about 18 Years deposeth, that she hath known the Lady Frances for about a Year and half, and the Lord Essex for above a Year.

To the 1, 2, and 3, Article cannot depose.

To the 4th Art. Says, That from *Midsummer* last to *All-hollantide*, the Earl of Essex and Lady Frances remained and kept Company together as Man and Wife; first in the Countess of *Leicester's* House at *Drayton* in *Warwickshire*; and after at the Earl's own House at *Chartley* in *Staffordshire*: And that for two of the Nights they lodged at *Drayton*, being on a *Sunday* at Night and on a *Monday* at Night, they to her Knowledge lay together in one Chamber; she seeing the Earl go into the said Chamber undress'd and ready for Bed; and she verily believes they did lye together in the same Bed those two Nights, for that she knows there was but one Bed in the said Chamber. That before *Christmasts* last the
said

said Lady *Frances* lying at *Salisbury House* in the *Strand*, the Earl came thither and went into the Chamber where Lady *Frances* was in Bed, and went to Bed to her, and there was no other Bed in that Chamber; and this Deponent heard the Earl and Lady *Frances* talking together a good part of that Night.

Her Depositions to the Enterrogatories administered for the other Side.

To 1st Art. **S**Peaks as to her Birth and Abode.

2d Art. That she is Cousin German to the Lady *Frances*.

3d Art. That as to this Cause she favours the Parties equally; that her Conversation is most with the Plaintiff, and that if it were in her Power, she would give the Decision according to Right.

4th Art. Answers in the Negative.

5th Art. That she was not compell'd, but was made acquainted by some that she should be used as a Witness in this Cause, and had Notice given her when she should come.

The

The Deposition of Elizabeth Raye, the Daughter of William Raye, of Woodstock in Oxfordshire, Gent. taken to the Libel: Aged above 20 Years.

THAT she has known the Lady *Frances* for above two Years; and the Earl of *Essex* for the same time.

To 4th Art. That she serv'd the Lady *Frances* for above twelve Months, and that shortly after she came to serve her, my Lady went to my Lord *Knowles's* House at *Cawsam* in *Oxfordshire*, where she staid about a Fortnight, and the Lord *Essex* came thither to her, and laid in naked Bed with the said Lady *Frances* divers Nights, as this Deponent hath heard them report that attended the Lady in her Chamber: That the Deponent her self at *Drayton* attending the said Lady in her Chamber, did see them in naked Bed together as Man and Wife for divers Nights; as they did likewise afterwards at *Chartley*, for above a Quarter of a Year, and at *Michaelmas* after that, at *Durham-House* at *London*.

*Her Examination to the Interrogatories on the
other Side.*

To 1st Art. **S**Peaks as to her Abode at
distinct Times.

2d Art. Answers in the Negative.

3d Art. That she favours both Parties
equally; converses with neither of them;
and if in her Power, would have Right
take Place.

4th Art. Answers Negatively.

5th Art. That she was requested to come
to testify in this Cause, but was not com-
pell'd by any Process.

6th Art. Hath heard it reported that the
Earl of *Essex* was 22 Years Old in *January*
last.

7th and 8th Art. No wise concern this
Deponent.

*The Deposition of Frances Britten, Widow,
taken to the Libel.*

THAT she is Aged about 55 Years,
and hath known both the Parties
respectively from their Infancy.

To 4th Art. That the Deponent having
oftentimes occasion of Business with the
Lady *Frances*, hath come to her since her
Marriage to the Earl, and hath seen the
Earl

Earl and she dine and sup together as Man and Wife : That between *Michaelmas* and *All-hollantide* was three Years, this Deponent coming to Lady *Frances's* Lodging at *Hampton-Court* early in the Morning, she was brought into the Bedchamber, where she did see them in naked Bed together: as likewise she did at Lady *Frances's* Lodging at *Whitehall* : That perceiving them in Bed together, this Deponent slept back, but the Lady *Katherine Howard* her Sister being there, called the Deponent in, and then Lady *Frances* slept out of her Bed and left the Earl there: That this was on *St. Valentine's-day*, for that Lady *Katherine* told the Earl, that there was a Valentine for him. Cannot depose further, saving that when this Deponent was at *Hampton Court*, as is before mentioned, after the Earl and Lady *Frances* were risen, the Lady missing a Pendant Ruby that usually hung at a Ring in her Ear, desired this Deponent to look for it in the Bed. That thereupon she and the Lady's Chamber-maid turned down the Bedcloaths, and there they saw the Places where the Earl and Lady had lain, but that there was such a Distance between the two Places, and such a Hill between them that this Deponent is persuaded they did not touch one another that Night.

Her Examination on the other Side.

To 1st Art. **H**ATH already spoken.
2d Art. Answers Negatively.

3d Art. That she favours both Parties equally, converses most with the Plaintiff, but would have Right take Place in the decision of the Cause, if in her Power.

4th Art. Speaks Negatively.

5th Art. Came at the request of Lady Frances, but no ways compell'd.

6th Art. Refers her self to her former Deposition.

7th and 8th Art. Do not concern her to answer.

The Deposition of Catherine Dandenell, one of the Lady Frances's Domestick Servants; aged about 16 Years.

HATH known the Lady Frances about four Years, and the Earl for about three.

To 4th Art. That about this Time three Years, Lady Frances went to the Lord Chamberlain, her Father's, at *Awdley-end* in *Essex*, and remained there all that Summer, whither the Earl came to her and stay'd sometimes a Week, sometimes a Fort-

Fortnight, and they conversed together as Man and Wife, and lay together many Nights to this Deponents knowledge, who hath seen them so over Night, and hath found them together in naked Bed in the Morning. As she likewise hath, at the Earl's House at *Chariley*; and at the Lady *Walsingham's* at the *Tilt-yard*; and the Countess of *Leicester's* at *Drayton*; and at *Salisbury-house* and *Durham-house*.

Her Examination to the Interrogatories on the other Side.

To 1st Art. **H**ATH already spoke.
2d Art. Answers Negatively.

3d Art. Most favoureth the Lady *Frances*, and is most in her Company, and wisheth the Victory to go where the Right is.

4th Art. Answers Negatively.

5th Art. That she comes at the Plaintiff's request, no ways compell'd.

6th Art. Refers her self to her former Deposition.

7th and 8th Art. Do not concern her to answer.

*The Deposition of Anne Jaconim, one of the
Domestick Servants of Lady Frances; Aged
about 24 Years.*

HATH known the Parties in difference between 3 and 4 Years.

To 4th Art. That for all such Time she hath attended on Lady Frances as her Chamber-maid, and that all along until within these 12 Months last, the Earl hath cohabited at Bed and Board with the said Lady Frances, at Whitehall, Chartley, Tiltyard, and other Places: Hath often seen them lye together naked in one and the same Bed, and at Salisbury-house in the Strand, since Christmas last.

In her Examination on the opposite Side, deposeth as the last Witness did.

The Deposition of Thomas Bamforde, Yeoman; Aged about 40 Years.

HATH known the Lady Frances by sight about five Years, and the Earl by sight about three Years.

To 1st 2d and 3d Art. Cannot depose.

4th Art. Deposeth, That in 1611. about the latter end of the Summer the Earl of Essex and Lady Frances were at the
Lady

Lady Corbett's House in *Derbyshire*, whom the Deponent then did and still doth serve; that they continued there about a Week, and dined or supped together in the said House, and lay together in one and the same naked Bed, as it was commonly thought amongst the Servants of the said House.

His Examination on the other Side.

To 1st Art. **H**ATH already spoken.
2d Art. Answers Negatively.

3d Art. That he favours both Sides equally, converses with neither, and wisheth the Victory in this Suit may go according as the equity of the Cause requireth.

4th Art. Answers Negatively.

5th Art. Came on request of Lady *Frances*, no ways compell'd.

6th Art. Refers himself to his former Deposition.

7th and 8th Art. Not concerned to answer.

*The Deposition of George Powell, Gent.
Aged about 36 Years.*

HATH known the Parties in difference about three Years.

To 1st 2d and 3d Art. Cannot depose.

4th Art. Says, That he served the Earl and Lady *Frances* from *May* 1609, to this Time, and still doth attend on Lady *Frances*. During all which Time they did cohabit and keep Company together as Man and Wife, sometimes at *Whitehall*, *Greenwich*, and in their Progress attending the King and Queen, at *Kensington*, all the Summer 1611, at *Chartley*, at *Durham-house*, *Awdley-end*, and other Places. That their Cohabitation together continued till the end of the Year 1612, and that it was commonly reported amongst the Servants of the House, that they did lye together in one and the same naked Bed. That this Deponent hath from time to time seen their Servants put them to Bed together; and that he hath come to their Chamber to know their Commands, and it was told him they were in Bed together. That in *June* or *July* 1609, this Deponent being called into their Lodging-Chamber at *Greenwich*, in a Morning, saw them in naked Bed together.

His

His Examination on the other Side.

To 1st Art. **H**ATH spoken already.
 2d Art. Answers Negatively.

3d Art. Favours both Parties equally, is most conversant with Lady *Frances*, his Employment being to wait on her, and wishes that Right may take Place.

4th Art. Answers Negatively.

5th Art. Comes on request of Lady *Frances* to give his Testimony, and no ways compelled thereto.

6th Art. Refers to his former Deposition.

7th and 8th Art. Concern not this Deponent to answer.

The Depositions of William Power, of London Merchant ; Aged near 60 Years.

HATH known Lady *Frances* about ten Years, and the Earl of *Essex* for about seven.

To 1st Art. Says, The Earl and Lady *Frances* were in *Christmas* time, either 7 Years since last *Christmas*, or 7 come *Christmas* again, to his knowledge Married together in the Chappel at *Whitehall*, for that this Deponent was present at the Marriage.

2d

2d and 3d Art. Cannot depose any Thing certainly.

4th Art. Says, That this Time 2 Years they cohabited as Man and Wife, and kept House together at the Earl's House at *Chartley*. That this Deponent was there about 4 Months, and hath divers Times been in their Lodging-Chamber in a Morning, and hath seen them in naked Bed together.

His Examination on the other Side.

To 1st Art. **H**ATH already spoken.

2d Art. Answers Negatively.

3d Art. Favoureth both the Parties in this Suit alike, is most in the Plaintiff's Company : And wisheth they were come to an Agreement.

4th Art. Answers Negatively.

5th Art. That he came on no Compulsion, but was requested by Sir *William Button*, on behalf of the Lady *Frances*.

6th Art. Refers himself to his Depositions made to the 4th Art. of the Libel.

7th and 8th Art. Not concern'd to answer the same.

The

*The Deposition of Benjamin Orwell, one of
the Domestick Servants of the Lady Frances;
Aged above 17 Years.*

HATH known the Parties in difference for 7 Years.

To 1st 2d and 3d Art. Cannot depose.
4th Art. Saith, That for these 2 Years last past, the Deponent hath continually attended on Lady Frances at *Kensington, Chartley*, the Lady Corbett's, Countess of *Leicester's*, Lord *Knowles's*, and in all those Places the Earl and Lady Frances cohabited together as Man and Wife, and as it was said by their Attendance, did commonly lye together in the same Bed naked. Hath seen the Earl come out of the Lady's Lodging-Chamber in his Pantables, having nothing on him but his Shirt: And verily believes he at such Times came out of Bed from the said Lady Frances.

His Examination on the other Side.

To 1st Art. **H**ATH spoken already.
2d Art. Answers Negatively.

3d Art. That touching this Suit he favoureth the Parties alike, is most in Company with the Plaintiff; and if it were in
him

him he would bestow the Victory where the most Right is.

4th Art. Answers Negatively.

5th Art. Answers, He was desired by Sir *William Button*, on the Plaintiff's behalf, to come and testify in this Cause, and is not compelled.

6th Art. Refers to his former Deposition.

7th and 8th Art. Not concern'd to answer.

The Deposition of the Right Honourable Thomas Earl of Suffolk, Lord High Chamberlain of the Household, taken the 10th of June 1613. Aged about 57 Years.

To 1st Art. **S**AYS, It is true, for he was present at the Solemnization of the pretended Marriage.

2d Art. That Lady *Frances* was above 13 Years of Age at the Time of the said Marriage, and is now above 22 Years Old.

3d Art. That at the Time of the Marriage the Earl was above 14 Years of Age, as the Deponent hath heard his Friends, who were likely to know his Age, report; and is now above 22 Years Old. That to that Time and since the Earl was, in the Judgment of Men, of good health and strength of Body, except at two several
C Times,

Times, when he was sick of the Small-pox and an Ague; and was likely to be able to have the Carnal Knowledge of a Woman for any thing this Deponent could judge.

4th Art. Knows that after the Earl was come to the Age of 18 Years, he and Lady *Frances* kept Company, and lay together as Man and Wife, for Three whole Years: Hath seen them in Bed together sometimes.

5th and 6th Art. That notwithstanding the Premises, the Earl never had any Carnal Knowledge of Lady *Frances*, nor never could, as the Earl hath confessed to the Deponent.

7th, 8th and 9th Art. Believes these Articles to be true.

10th Art. That the Earl, in this Deponent's Hearing, confessed diverse Times, in several Companies, that he hath done his Endeavour to have Carnal Knowledge of Lady *Frances*, and yet never could.

11th Art. Believes this Article to be true.

12th, 13th, 14th and 15th Art. Refers himself to the Register of the Court of Delegates.

16th Art. Says his above Depositions are true.

The Deposition of the Right Honourable Katherine Countess of Suffolk, aged about 47 Years.

To 1st, 2d, 3d Art. **D**Eposes, they are true.

4th, 5th, 6th, 7th Art. Believes to be true.

8th Art. Deposes to be true of her Knowledge.

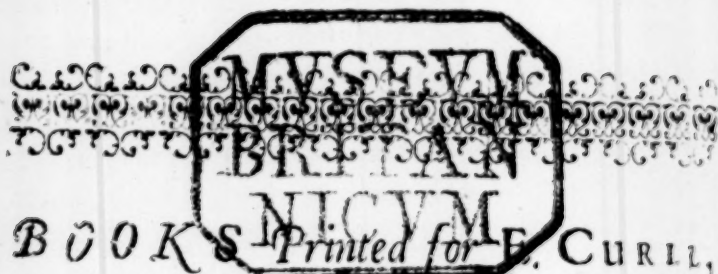
9th Art. Believes to be true.

10th Art. Hath heard it reported, and believes it to be true.

11th Art. Believes the same to be true.

12th Art. &c. Concludes as the Earl of Suffolk.

F I N I S.



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